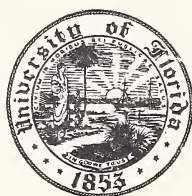


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P R E F A C E.

IT was the great desire of my husband's life to write a history of his much-loved native town of Lancaster, but owing to failing health, although he had collected material for the work and had made arrangements for its being printed, he has not been able to complete his "labour of love."

I would ask those who read the book to make allowance for any defects, remembering that my husband, who would have spared no pains in completing his work, has not been able to revise a single page.

I tender my most grateful thanks to Mr. Charles W. Sutton, without whose invaluable help, so generously and kindly given, I could not have attempted to publish the volume.

A. J. ROPER.

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ERRATA.

Page 18, line 12, *for* from *read* from.
,, 23, ,, 31, ,, desolute ,, desolate.

Materials for the History of Lancaster.

INTRODUCTORY.

THE traveller in northern Italy, between the River Roya and the French frontier, finds himself in the midst of relics of almost every age. In front of him, in the face of the cliffs, which rise from the shore of the Mediterranean, are the caves which have yielded some half-dozen skeletons of a bygone period, of a period dating back to a pre-historic time. To the north, the traveller can see the snowy peaks of the Maritime Alps, on whose slopes are carved those hundreds of representations of men and oxen, which tradition attributes to the work of the soldiers of Hannibal on their march towards Rome. The gardens in front are gay with the colours of a thousand anemones, which carpet the slope to the water's edge. In the centre is the old Roman road over which passed the Roman armies, and the feet of many a traveller from east to west. In the villa is a fresco which represents the parting which is said to have taken place between Agricola and his mother Julia Procilla. Tradition says that his early years were spent at the neighbouring colony of Forum Julii—the modern Frejus—and in after years he became one of the grandest characters in Roman history. For thirty-three years Julia exercised a beneficial influence over him, though he was thousands of miles away, and he invariably observed the anniversary of her death (which took place in Liguria, where she was buried) in deep seclusion. From his parting with her he travelled direct to England, and proceeded at once to

Lancashire, where, in A.D. 79, on the site of the present St. Mary's Church, he saw, spread out before him, the sands of Morecambe Bay.¹

The words of his biographer, Tacitus, tell how he advanced to the north across the various estuaries, along the lines of the various Itinera of Antonine.

Unfortunately, none of these Itinera appear to have passed through Lancaster, but that which passed nearest to it was the one appearing as Iter 10, which ran as follows:—

Item a Clanoventa Mediolano m.p.m. cl. sic; Galava, xviii.; Alone (Low Borrow Bridge), xii.; Calacum (Over Burrow), xviii.; Bremetonaci (Ribchester), xxvii.; Coccio (Wigan), xx.; Mancunio (Manchester), xvii.; Condate, xviii.; Mediolano, xviii.; Total 150.

In Lancaster itself, the only remaining portion of Roman work may be the fragment of walling still situate behind the houses which face the lower end of Bridge Lane, and which formed the boundary mentioned in the foundation charter of Lancaster Church in 1094 as running "A Veteri Muro."

Amongst the Roman antiquities found in Lancaster are the following:—

1. An altar without inscription, found about 1775 in the garden of John Ford, and afterwards removed to Yealand Conyers.
2. Another altar found six feet below the surface, "at a little distance without the old wall, between Adrian's round tower and the great square one."

This altar is now preserved in the castle; it bears the inscription: DEO SANCTO MARTI COCIDIO VIBINIUS LVCIVS. BF. COS V. S. L. M.

"To the holy god Mars, Cocidius Vibinius Lucius, a pensioner of the Consul, performs his vow willingly to a deserving object."

3. In 1776, a collection of Roman antiquities was discovered some six feet below the surface of the upper end of Church Street, including bones and ashes, urns, Roman bricks, tiles, coins, horns of animals, etc., and two fragments of massive walls. One of the coins of brass bore an inscription in memory of Marcus Aurelius, and another of silver of Faustina, his wife.

A few hundred yards to the eastward, in digging a cellar for a house on the south side of Church Street, several large hewn stones were found, under which were a great number of coins of Domitian, Vespasian, etc.

4. Roman coins and pottery were found in 1798 in cutting a drain in Church Street.
5. An inscribed stone was discovered in the garden of the house at the south-west corner of Bridge Lane, which is supposed to have formed part of a Roman bath. The stone is now preserved in the wall of St. John's College, Cambridge, and bears the following inscription :—

BALINEVM REFECT ASILICAM
VETVSTATE CONLABSUM SOLO RESTITVTAM
EQQ. ALAE. SEBVSSIA SVB.
OCTAVIO. SABINO. V. C. PRAESIDE. . .
N. CVRANTE. FLA. AMMAV SIO.
PRAEF. EQQ. D. D. XI. KAL. SEPTEM.
CENSORE II ET LIPIDO II COS.

This inscription may be extended as follows :—

“ (ob)balineum refect(um)
(et b)asilicam vetustate conlabsum a solo restitutam
eq(uites) alae Sebussia (nae Antonincaer) sub Octavio
Sabino v(iro) c(larissimo) praeside n(ostro) curante
Fla(vio) Ammau Sio praef(ecto) eq(uitum) D(atum)
D(edicatum) XI Kal(endas) Septem(bres) Censore II et
Lepido II co(n) s(ulibus).

This informs us that the soldiers of the cavalry regiment styled the Sebusian (and Antoninian?) rebuilt

a bath, and restored from the grounds a basilica which had decayed through age, by the order of Octavius Sabinus, a man of illustrious rank, and president of the province. It was signed and dedicated on the eleventh of the kalends of September, in the year when Censor and Lepidus, each for the second time, were consuls.

6. In 1774 the remains of a Roman tile manufactory were found in Quernmore Park; the chief interest of the discovery was from the name ALE SEBVISA.
7. At Halton Hall, near Lancaster, was discovered in 1794 a Roman altar bearing the inscription: DEO MARTI SABINV(S) P. P. ET MILIT(ES) N. BARC. S. C. EIIVS. PO(S). [Deo Marti Sabinus P(rae) p(ositus) et Milites N(umeri) Barc(ariorum) S(ub) C(ura) Ei(ius) Pos(uerunt).]
8. Another inscribed altar was found in 1802 at the Folly Farm near Lancaster, and is now preserved at Clifton Hall, near Workington. The inscription is as follows:—DEO IALANO CONTRE. SANCTISSIMO. IVLIVS IANVARIVS EM. EX DECV. [Deo Jalono Contre(bi) Sanctissimo Julius Januarius Em(eritus) ex Decu(rione).]
9. In 1794, on the east side of the road from Lancaster to Ashton, were discovered a number of sculptured heads, which are now preserved at Caton Hall.
10. In 1872 another human figure was found at the same place.
11. At the same time and place a Roman mile-stone was found, which is still preserved at Lunecliffe. The inscription is: IMP. C. M. IVLIO PHILIPPO PIO FEL. AVG. M. P. III. [Imp(eratore) C(aesare) M(arco) Julio Philippo Pio Fel(ici) Aug(usto) M(ilia) P(assuum) III.]

On the eve of the Conquest the land between the Cumberland Esk and the Ribble was attached to the Northumbrian Earldom

of Tostig,¹ and was, in 1068, bestowed by the Conqueror upon Roger, the third son of Roger de Montgomery, the King's cousin, who had led the right wing of the invading army at Hastings. The younger Roger was commonly called Roger the Poitevin, from his marriage with Almodis, sister and heiress of Boso III, Count of La Marche in Poitou.

As soon as he entered into possession of his North Lancashire estate, Count Roger commenced the erection of the massive Norman Keep, which still stands at Lancaster. In 1102 Count Roger supported his eldest brother, the able but infamous Robert of Bellême, in his revolt against the new King Henry I, and the whole family were expelled from England and their estates confiscated.

The King incorporated the Honour of Lancaster with certain other forfeited estates, and bestowed them upon his nephew Stephen, who held the Honour after his accession to the crown in 1135 until the year 1139, in which year it is probable that he gave all Lancashire north of the Ribble to David, King of Scots, as part of the price of peace after the latter's victorious campaign undertaken in pursuit of his alleged title to Cumberland and Northumberland.²

The history of the Honour of Lancaster during the next few years is difficult to elucidate satisfactorily. The date of the transfer to Stephen appears to have been between 1115 and 1118.³ At some period between 1140 and 1149, Ranulf, Earl of Chester, possessed himself of the whole Honour of Lancaster (with the exception of the Montbegon fee), and Lancashire between the Ribble and the Mersey.⁴ The Earl of Chester also obtained possession of Lancashire north of the Ribble from the King of Scots in 1149, and by the Treaty of Devises further obtained from Duke Henry, as the price of

¹ Victoria County Histories, Lancs., i., 272.

² op. cit. i., 294; quoting *Sym. of Durham* (Rolls Ser.) ii., 300.

³ See the *Beginnings of Lancashire* by James Tait, pp. 161-181.

⁴ Tait, op. cit. 170-3; V. C. H., Lancs., i., 294.

his assistance in the Duke's endeavour to wrest the crown of England from King Stephen, a grant or confirmation of the Honour. A few weeks after the conclusion of the Treaty of Devises the Earl was poisoned, and on November 6 a treaty was arrived at between the King and Duke Henry, whereby it was agreed that Stephen should retain his crown for life, Henry acting as practical ruler under him as the recognised heir to the crown, and that the King's surviving son, William, Count of Boulogne and Mortain and Earl of Warenne, should succeed to all the estates which his father had held before he attained to the crown, including the Honour of Lancaster. Accordingly, upon the King's death in 1154, the Earl of Warenne succeeded to the Honour, which he held until his death in September, 1159.

Upon the death of King Henry in 1189 Richard the First gave the Honour to his younger brother John, Count of Mortain, whose rebellion against Richard I in 1194 led to the Honour again passing to the Crown, and to its continuing as a Crown estate during the reigns of John and Henry the Third, until the latter sovereign on June 30, 1267, bestowed it on his younger son, Edmund Plantagenet, styled Crouchback.

In loading his second son, Edmund Crouchback, with honours and estates, he raised a family to greatness which overawed the Crown. Edmund was created Earl of Lancaster, and after Evesham, received the forfeited Earldom of Leicester. He had been made Earl of Derby on the extinction of the house of Ferrers.

In 1294 he was in command of an army in France, but was unable to retain the forces which he had gathered, and, deeply mortified at his want of success, he retired to Bayonne, where he died on the 13th May, 1296.

His eldest son and successor, Thomas, Earl of Lancaster, at the Coronation carried the sword called Curtana, and received in 1308 the grant of the Stewardship of England, and soon after joined the opponents of the royal favourite, Gaveston. He and other of the barons attended the Parliament in 1310 in arms,

and forced the King to consent to the appointment of twenty-eight ordainers. The ordinances published in 1312 demanded Gaveston's withdrawal, and he was put to death in the same year. Constant disputes followed between Lancaster and the new favourites, the Despensers, and in February, 1322, Lancaster endeavoured, with the small force at his disposal, to check the King's advance at Burton-on-Trent, but was eventually compelled to surrender. The Earl was brought before the King at Pontefract, but was refused even a hearing, and condemned to a traitor's death, and was beheaded outside the town. Popular idealism made him into a saint and a martyr. Miraculous cures were effected at his tomb at Pontefract, as also at his effigy at St. Paul's, and guards had to be placed to prevent people approaching the places of his execution and burial.

Several times during the absence of the Earl, the Scots made raids upon the North of England. In 1314, after the defeat of Edward II at Bannockburn, they burned the town of Lancaster, partially destroying the castle. Again, in 1322, under the leadership of Robert Bruce, they marched through the deanery of Copeland to Cartmel, destroying the villages and laying waste the country on their march. "Passing from thence they came to Lancaster, which towne they also burnt, save onlie the priorie of blacke moonks, and a house of preaching friers; heare came to them the Earle of Murrey and the Lord James Dowglasse with an other armie."¹

Henry, the brother of the Earl, continued in favour with the King, and received gifts of land, and obtained the Earldom and Castle of Lancaster. Henry died in 1345, and his funeral was celebrated with great pomp at Leicester, the King and Queen, with a number of Peers, attending in state. His son, Henry, Earl of Derby, fought in the Scotch wars and also in France, and his renown in war was so great that the gates of French

¹ Holinshed's *Chronicles*, Vol. v., p. 335.

cities are said to have been thrown open when the garrison heard the name of their besieger. By patent dated 6th March, 1351, he was created Duke of Lancaster, and on the institution of the Order of the Garter, he was, after Prince Edward, the first knighted champion. Henry died in 1361 leaving two daughters; Maud, who married first Ralph, Lord Stafford, secondly, the Duke of Bavaria, and Blanche, wife of John of Gaunt, Earl of Richmond, fourth son of Edward III.

On the death of his father-in-law, and his wife's sister, Maud, in 1362, John of Gaunt inherited in right of his wife the Wapentakes of Leyland, Amounderness, and Lonsdale, the manors of Overton, Skerton, and Wray with the town of Lancaster, the lordship of Bowland, the castle of Kenilworth, and other great possessions, and he was, on the 13th June, 1362, advanced to the dignity of Duke of Lancaster. In 1369 he served in France for six months, and on his return found his wife Blanche had died a few weeks before. The following year he married at Bordeaux, Constance, eldest daughter of Peter the Cruel, and assumed the title of King of Castille and Léon. In 1377 John of Gaunt, at the Coronation of Richard II, claimed, as Earl of Leicester, to be steward of England, as Earl of Lincoln to be carver, and in right of his Dukedom of Lancaster to bear the Curtana, the chief sword of state. In 1389, after the battle of Otterburn or Chevy Chase, which occurred during the Duke's absence, the Scots again destroyed the town of Lancaster and burned its Records. "Old John of Gaunt—time-honoured Lancaster," died on the 3rd February, 1399, and his estates were seized by Richard II. From that time the castle has remained the property of the Crown.

THE PILGRIMAGE OF GRACE.

THE army of the north, some three thousand strong, is assembled round the Market Cross at Lancaster. The last abbot of Whalley is amongst the leaders, and with him are two of his monks, John Eastgate and William Haydock, and also the abbot and prior of Sawley, who have travelled across the hills to join the great array. Above them floats the Banner of the Cross, bearing upon it the figure of the Saviour, the Chalice, and the Host, and on the arm of each man is bound a representation of the five wounds of Christ, with the word "Jesus" in the centre.

Hundreds press forward declaring their readiness to fight and to die for the old cause, and the voice of the captain reads the Form of Oath which his adherents are to take:—"Ye shall not enter into this our Pilgrimage of Grace for the Commonwealth, but only for the love that ye do bear unto Almighty God, his faith, and to the Holy Church Militant and the maintenance thereof; to the preservation of the King's person and his issue; to the purifying of nobility, and to expulse all villein blood, and evil councillors against the Commonwealth from his Grace and his Privy Council of the same. That ye shall not enter into this Pilgrimage for private profit or to do displeasure to any private person, but by counsel of the Commonwealth, nor stay or murder any for envy, but in your heart put away all fear and dread, and take upon you the Cross of Christ and in your heart His faith, the restitution of the Church, the suppression of heretics and their opinions, by all the holy contents of this Book."

While the people are pressing forward to take the oath a trumpet is heard, and presently a small troop approaches under a flag of truce. The leaders of this new party, James Walton

and Thomas Brydoke by name, announce that they are messengers from the Earl of Derby, who, with the King's forces and supported by the wavering abbot of Furness and the prior of Cartmel, by Lord Monteagle of Hornby, and Sir Marmaduke Tunstall of Thurland, are assembled at Preston.

The Earl's message is short and simple; he advises the people to submit to the King and to disperse to their homes. But the reply of Captain Atkinson, the local leader of the Pilgrimage of Grace, is equally brief: they had a pilgrimage to do for the commonwealth, and they would carry it out or jeopardise their lives to the death. But the captain went further. If, he said, the Mayor of Lancaster, Master Standish, did not at once quit the Earl, and come to join them, his house should be burnt to the ground. The Earl's messengers replied that the Mayor shall be amply avenged, but that if the chiefs of the pilgrimage will send the names of twelve of their mighty men to the Earl he would appoint others to meet them, and the issue might be tried by ordeal of battle on Bentham Moor. Captain Atkinson, however, declares that they have no wish to fight with the Earl, and they would not do so unless he interrupted their pilgrimage, but that if he did with him must rest the blame.

The parley ended, and with a final charge from the leaders not to fail to meet on the following Monday beneath the walls of Clitheroe Castle, the vast assembly melted away. Some went to their homes, there to remain, but a large number swept across the moors, some towards Skipton, others to the meeting-place on Clitheroe Moor.

Those who went to Skipton witnessed one of the most romantic incidents of the rising. The pilgrims had besieged Skipton Castle, which was defended by the Earl of Cumberland and Christopher Aske and John his brother. But, unfortunately, Lady Eleanor Clifford, the young wife of Lord Clifford, with his three children, were staying ten miles away, at Bolton Abbey. The pilgrims soon took advantage of this fact, and they sent a message to the Earl that the helpless women and

children should be held as hostages for his submission. But in the dark Autumn evening Christopher Aske, with one or two companions, stole through the camp of the besiegers, crossed the wild moors, secured the refugees at Bolton Abbey, and carried them back through the night to Skipton Castle; and when morning dawned the little garrison could laugh at the howls of the pilgrims, who saw on the walls of the castle their prey so narrowly snatched from their jaws.

The force at Clitheroe moved on to Doncaster, and there, on the banks of the Don, lay the great army of the Pilgrimage of Grace. In that army, 40,000 in number, were all the gentry of the northern counties; the abbots of Whalley and Jervaulx and Sawley were there; the abbot of Rievaulx had left his beautiful home amongst the Yorkshire wolds to fight for his house, "such a gathering as had not been seen in England since the grandfathers of those same men fought on Towton Moor, and the red rose of Lancaster went down before the summer sun of York."¹

The river only divided them from the royal army, and for two days the rival hosts faced each other, with the flood waters of the Don running swiftly between. At the end of that time the pilgrims were told that the majority of their demands had been granted by the King, that a truce had been agreed upon, and that the army was to be dispersed. The pilgrims believed that the faith of a King could not be broken, and tearing their badges from their arms, they dispersed to their homes bearing with them the tidings that the old order of things was to be restored, and that the King himself would come to York to hear and remedy all complaints which they might make.

But the outbreak of a few indiscreet partisans in the following Spring furnished Henry VIII with the pretext he wished for, and the Duke of Norfolk carried fire and sword throughout the north. The good pleasure of the King dictated the following

¹ Froude, vol. ii., p. 562.

orders to his general:—"Our pleasure is that before you shall close up our banner again you shall cause such *dreadful execution* to be done upon a *good number* of the inhabitants of EVERY town, village, and hamlet that have offended as they may be a *fearful spectacle* to all others that would practice any like matter Finally, forasmuch as all these troubles have ensued by the solicitation and traitorous conspiracies of the monks and canons of those parts, we desire you at such places as they have conspired or kept their houses with force since the appointment at Doncaster, you shall *without pity or circumstance* cause all the monks and canons that be in any wise faulty to *be tied up without further delay or ceremony*." The Duke of Norfolk carried out his master's orders without delay or ceremony in the northern counties. Gibbets grew thick with the flowers in Spring; and in the course of his progress the Duke came to Lancaster.

The procession moves through the town and up to Lancaster Moor, and there the abbot of Whalley undergoes the ordeal of seeing his old companions in peace and war, the abbot of Sawley and the two monks of his own house, suffer all the indignities then customary at the hand of the common executioner.

But the procession does not stop here. On over the Quernmore Moor, over the High Cross Moor, past the remains of the little monastery of Abbeystead, the abbot is conducted, and from the summit of the Trough of Bolland he looks down upon the country where so many of the eighty years of his life had passed. One night is spent at Whitewell, and the next day brings him in sight of the ancient church of Whalley, and a little later he sees before him the abbey over which he had ruled so long, and the following morning, on a gallows at the foot of Pendle Hill, close to his own monastery, and in the midst of the fields he loved so well, the soul of the aged abbot entered into light.

FLODDEN FIELD.

AGAIN the scene opens in Lancaster. The people have been roused by the clang of the Priory bells ringing out to the wild sky, and numbers are flocking to the castle gate to demand the cause. The warders there have but short answer for them; the only tidings are those told by the flame which has flashed so swiftly from the border city of Carlisle to the summit of the mighty Skiddaw, and thence to the beacon on "Gaunt's embattled pile." The wondering people of Lancaster can only surmise that the wild rumours of invasion from the North have been converted into certainty by the advance of a Scottish force on to English soil. Soon, only too soon, comes from the north the messenger hurrying on his way, and as he stops to rest the breathless horses of his troop he tells the eager people that the army of Scotland is marching to the frontier, and that the tide of war is rushing to its flood. The news flies fast, and the men of Lancashire rally round the banners of their lords, determined to resist the invasion to the death. Lord Dacre of Halton, is on the watch not far from his old home of Gillesland. Sir Brian Tunstall of Thurland Castle, leaves his ancestral home in the vale of Lune to pour out his life-blood for his country at Flodden Field. Sir Edward Stanley of Hornby Castle, musters his vassals; and all down Lonsdale are coming men to join his standard. Crofts from Claughton, Baines from Littledale, Faithwaites from Pott Yeats, Townsons from Fell End, and many another representative of old families in the valley of the Lune. Every available man is pushed forward at once to stem the tide of war, and sorrowful faces look down from the quaint old gables of Lancaster streets as those near and dear to them pass by on their way toward the North.

At this point an old ballad comes to our assistance. The manuscript is preserved in the Harleian collection, and if the poetry is not of the highest order the poem assists us materially in local description. From the care with which the alliterative rhymer sounds the praises of Sir Edward Stanley, and the details he furnishes of the death of Brian Tunstall, it seems probable that the author belonged to Lancashire, if he was not a dweller in the vale of Lune. Describing the musters for the last great fight between the English and the Scottish races, he says :—

“Sir Edward Stanley, stiff in stoure,
 He is the man of whom I mean ;
 With him did pass a mighty power
 Of soldiers seemly to be seen ;
 Most lively lads in Lonsdale bred,
 With weapons of unwieldy weight ;
 All such as Tatham's fells had fed,
 Went under Stanley's streamer bright
 From Bowland Billmen bold were borne,
 With such as Botton's banks did hide,
 From Wharemore up to Whittington,
 And all to Wenning waterside ;
 From Silverdale to Kent Sandside
 Whose soil is sown with cockle shells,
 From Cartmel eke and Connyside,
 With fellows fierce from Furness Fells.
 All Lancashire for the most part
 The lusty Stanley stout did lead.”

While anxious eyes are following the northward march of the Lonsdale bowmen, we turn to ascertain the cause of all this martial ardour.

The young and chivalrous James IV of Scotland fancied he saw in the absence in France of Henry VIII of England with a large force, an opportunity of striking a blow at the hereditary enemies of his country. Far and wide sped the messengers summoning his people to his standard. In vain his Council earnestly remonstrated against the wanton war.

No warnings, natural or supernatural, prevailed with the king, and with his army, on the 22nd August, 1509, he crossed the Tweed, and advanced into Northumberland, burning and harrying the country as he came. Norham Castle was besieged,

and as no succour came the castle surrendered, and "a great part of it was overthrown and beaten down." Short diplomatic negotiations were carried on, but without result, and on the 7th September the Scottish army were encamped on the ridge of Flodden Hill, with the River Till separating them from their English foe. The Scottish position was practically unassailable from the front, and the English therefore marched in a north-westerly direction, crossed the Till, which James seems to have thought too deep to be forded, and stationed themselves between the Scotch king and his country. The English army, under the Earl of Surrey, was drawn up in four divisions. The right was commanded by the sons of the Earl of Surrey—Thomas Howard the admiral, and Edmund his brother—and with them was Brian Tunstall of Thurland. The centre was under Surrey himself, and the charge of the left wing was committed to Sir Edward Stanley. Lord Dacre commanded the reserve.

The Scots were not slow to mark the fact that England's army lay between them and their Northern home. Their monarch resolved to fight at once, and setting fire to his tents, in the midst of the smoke, and in solemn silence, the hosts of Scotland on the 9th of September, descended from their vantage ground on Flodden Hill. The tramp of men warned the English that their foes were upon them, and in another moment the Scots were charging in their midst with a battle cry which sounded

"As if men fought upon the earth
And fiends in upper air."

The sudden onslaught broke the English right. The gallant Tunstall—Tunstall the undefiled, the stainless knight of Flodden—after fighting bravely fell overpowered by numbers, and the rest of his force fled from the field. In the centre, Surrey with difficulty maintained his position against the main body of the Scottish army, but

"Far on the left, unseen the while,
Stanley broke Lennox and Argyle."

The Highlanders charged upon his forces with the broad-sword, but the pitiless shower of arrows from the Lonsdale archers fell upon them, and they died by hundreds with their faces to the foe. Still the state of the battle was critical: the tide of war ebbed and flowed, and there was every need of the message which Scott places in the lips of Marmion—

“To Dacre bear my signet ring,
Tell him his squadrons up to bring;
Tunstall lies dead upon the field,
His life blood stains his spotless shield.
Edmund is down, my life is left,
The Admiral alone is left,
Let Stanley charge with spur of fire,
With Chester charge and Lancashire,
Full upon Scotland's central host,
Or victory and England's lost.”

And the Lancashire men responded to the call. Mustering his squadrons, after breaking the Scottish right, the Lord of Hornby threw them on the Scottish centre—

“The war that for a space did fail
Now trebly thundering swelled the gale
And STANLEY was the cry.”

And the dying Marmion, as he hears the war cry borne upon the wind, raises himself, and waving his broken sword above his head, with his last effort shouts for victory:—

“Charge! Chester, charge! On! Stanley, on!”

Still the Scots fought bravely round their king. The English arrows flew thick and fast; the Scottish spearmen stood firm, and died where they stood. Darkness alone terminated the struggle, and the Earl of Surrey gave the signal to recall his army for the night. Doubtful as was then the English success, the morning light showed that the Scots were vanquished. Their loss was terrible. Ten thousand men had fallen, and of these a great proportion were men of high estate. There was hardly a family of note in the whole of Scotland which had not to lament the loss of one or more of its members.

But the English army had not escaped without heavy loss. The slain probably exceeded 7,000, and the joyous peal of St. Mary's bells in honour of the victory hardly concealed the

sound of grief which arose from many a desolate hearth in the vale of Lune.

Honours were showered thick upon the survivors. Sir Edward Stanley became Lord Monteagle, and in his thankfulness he caused to be built the chancel and tower of Hornby Church, beautiful specimens of Perpendicular art. The tower is octagonal, and bears the Stanley arms and the inscription :—

“Edwardus Stanley miles dns
Montegle me fieri fecit.”

The great eagle tower of Hornby Castle was also restored, and the restorer placed it upon his crest—the Eagle's claw—with the motto “Glav et Gant”—Sword and Glove.

The Baines, who had been standard bearer at the fight, also returned, and the name of a field near Littledale, still known as Flodden, testifies to his recollections of that fearful day.

So, too, came home the representative of another Lonsdale family, and the armour he had won was handed down from generation to generation, until one representative, only a few years ago, sold it to the village blacksmith as old metal.

THE SPANISH ARMADA.

IT had been known for years that the time must soon come when England and Spain would meet in the shock of arms. The parsimony of Elizabeth had cut down expenses to such a point that the English navy could count but thirty-eight vessels of all sorts and sizes. The great towns, however, had come forward in the emergency: London promised thirty ships, the towns on the south coast each sent representatives, Lord Howard, the admiral, had two ships, Sir John Hawkins had four or five, Drake had his own squadron. Private enterprise also had fitted out small cruisers which preyed upon the rich convoys coming from the Spanish Main.

On land the musters had been trained, and each man knew what was to be his post when the day of danger came.

The fortifications of the coast had not been neglected. The Norman Keep of Lancaster Castle, which had fallen to decay, was repaired, its walls raised and crowned with battlements, and on the north side can still be seen the tablet which records that when Elizabeth was queen, and Richard Assheton was sheriff, in the year 1585, this tower was restored.

From Lancaster, the sheriff's attention was drawn to the fortress which had at one time guarded the northern approach to Morecambe Bay. There was an old prophecy which predicted :

“Between Boston's Bay
And the Peel of Foudray
Shall be seen the black navy of Norway”—

Norway being the surname of Philip of Spain. And the sheriff had received a curiously worded document which stated that:—
“Betweene Mylforde Haven in Wales and Carlisle on the borders of Scotland ther is not one good haven for greate Shyppes to Lande or Ryde in but one which is in the furthest

parte of Lancashire called the Pylle of ffolder. The same Pylle is an old decayed Castell, sytuated on the Sea cost agaynst the Isle of Man parcell of the dowchie of Lancaster in ffurnes felles At this Pyle or Castel landed in Kinge Henrye the VIIths tyme Martyn Swartz wth Parkyn Warbecke accompanied with three or four thowsande fflemings who marched thence Southward to Newarke uppon trent before they were ons fought with; the country is so rude waste and unprovided of gentylmen in those quarters. What the Spanyerde meanes to do the Lorde knowes but all that Countrye beinge knowne unto Doctor Allen (who was borne harde by the Pyle) yt is not unlyke but his direction will be used for some landyng ther, the rather to intertayne us in sondrye partes by the northern men, and for that it is not farr off from Scotland, the verye best haven for landinge with great shyppes in all the Sowth-west coste of England called St. George Chanell."

Many a time during his earlier years had the William Allen alluded to in this despatch gazed from his home at Rossall, across the waste of sand and water which lay between him and the Peel of Fouldrey. Born in 1532 at Rossall, the future Cardinal received his education at a public school in Lancashire, possibly at the school founded at Lancaster by John Gardyner nearly half a century before. In 1547 he proceeded to Oxford, and on the accession of Mary he entered the priesthood. In 1561 he retired to Louvain, but a year later he was in Lancashire, and probably again gazed on the walls of its fortress, and in the neighbouring church of St. Mary dreamed of changes in ecclesiastical rule. In 1565 he was back again in the Netherlands, but for many years after, the activity in religious matters which prevailed in Lancashire, shewed how well Allen had advocated a cause which many of his followers sealed at Lancaster with their blood. For two years Allen resided within the shadow of that wondrous fane which looks down upon the many storied houses of Malines. In 1567 he went for the first time to Rome. To the Eternal City he made numerous visits, gradually

becoming more determined in his opposition to Elizabeth's rule in England. In this cause he aided the despatch of missionaries to Lancashire, and wrote numerous pamphlets directed against the Queen.

In 1585 he returned to Rome, which city he never afterwards left, and in 1587 at the request of Philip of Spain, the Pope conferred upon him the Cardinal's hat. In the event of the success of the Armada, he was to proceed to England as Legate to regulate the concerns of religion, and to confer upon the conqueror the investiture of the kingdom. As Legate and Archbishop elect of Canterbury he issued the famous pastoral letter denouncing Elizabeth, and releasing her subjects from their allegiance. Copies of this letter were circulated far and wide throughout England, and we can imagine the Lancastrians of that day reading, with mingled wonder and scorn, the document which spoke in such unmeasured terms of the occupant of the throne, and which bore the signature of him who, as a boy, was so well known to them, and who now hurled his thunders "from my lodging in the Palace of St. Peter's at Rome."

Meanwhile the great Armada was approaching the shores of England. Leaving Ferrol on the 22nd of July, the ships ran before the wind, crossed the Bay of Biscay and were off Ushant when the south-west gale overtook them. Four galleys were wrecked on the coast of France. One great galleon, the "Santa Aña" went down with ninety seamen, three hundred soldiers, and fifty thousand ducats in gold. When the storm had passed the fleet was in the mouth of the Channel, and on the evening of the 29th July, the beacons carried the warning from fortress to fortress, and from hill to hill, that the great Armada had come.

"Far on the deep the Spaniard saw, along each southern shire,
Cape beyond cape, in endless range, those twinkling points of fire.

* * * * *

High on bleak Hampstead's swarthy moor they started for the north,

* * * * *

Till Skiddaw saw the fire that burned on Gaunt's embattled pile,
And the red glare on Skiddaw roused the burghers of Carlisle."

On the last day of July, 1588, hostilities commenced. The English fleet hung on the rear of the Spanish galleons, and the light craft flew where they liked behind the heavy ships of Spain. The English admiral's vessel, the "Ark," commenced the action by running with three other vessels along the rear of the Spanish line, firing into every galleon as they passed, and returning over the same course. Alonzo da Leyva in the "Rata" tried to cross the "Ark," but without success; the Spaniards found themselves entirely outmatched, and after fighting at a disadvantage all the day the Spanish admiral made sail up the channel.

But the sea rose and one of the great galleons fouled the "Santa Catalina," and next morning fell an easy prey to Drake. The same evening the officers on board another galleon quarrelled amongst themselves, the captain struck the master gunner, the master gunner went below in a rage, thrust a light into a powder barrel and sprang through a porthole into the sea. The deck was blown off from stem to stern. Two hundred seamen were sent into the air, and the vessel fell into the hands of the English.

For some days there was only desultory fighting, but on the fourth of August a general action ensued. The movements of the great vessels of the Spanish Armada were far too slow to cope with the swift sailing of the English fleet. The Prince of Parma, with his troops, was waiting at Dunkirk for the fleet which was to protect their passage across the channel, and to the Spanish general the Spanish admiral, Medina Sidonia, sent a piteous appeal:—"The enemy pursue me. They fire upon me most days from morning till nightfall but they will not close and grapple. I have given them every opportunity. I have purposely left ships exposed to tempt them to board, but they decline to do it, for they are swift and we are slow."

On the 6th of August the weather broke. The Armada was off Boulogne, the English fleet hovering behind it, and Medina Sidonia let fall his anchors in Calais Roads.

The English admiral felt that the time was short if he was to strike at the Spanish power before Medina Sidonia effected a junction with Parma. At midnight, therefore, on the 7th August, the Spanish watch saw great masses of fire drifting swiftly towards their fleet. As the flames rushed up the masts of the fire-ships sent by the English admiral, the panic amongst the Spaniards spread. They remembered those mighty fire-ships which had shattered Parma's bridge at Antwerp only a few years ago, and they made the best of their way to the open sea. The early dawn shewed the largest galleon aground on Calais Bar, and the English fleet attacked the Spanish Armada on every side. From morning until night the English guns poured into the Spanish vessels incessant rounds of shot. Three large galleons went down, three others drifted helplessly towards Ostend. The wind shifted, and Medina Sidonia crowded all sail for the North Sea, the "Santa Maria" sinking with all hands as the sun went down. With leaking ships, splintered masts, torn sails and most of their water butts destroyed, they fled away, according to their own statement, into the German Ocean, generally frightened and dismayed.

After pursuing the Armada northwards for several days, the English fleet, having exhausted their supplies, returned to port. Elizabeth thought of nothing but the expense, and ordered the ships to be paid off. Boatloads of seamen who had fought for their country with such glorious results, were brought ashore and lay down to die in the streets. The Queen, in the luxury of Windsor, would give no orders for fresh provisions until she was satisfied that what had been sent before had been properly consumed. Howard and Drake distributed wine, sugar, and fresh fish at Plymouth for the dying seamen. The Queen struck out the charge. "I will make satisfaction as well as I may—wrote the admiral—so that Her Majesty shall not be charged withal." Little credit for the defeat of the Armada attaches to Elizabeth; on the contrary, it may be said that England's victory had been won in spite of England's Queen.

But the Armada was still struggling in the North Sea. When Howard left them he could count one hundred and twenty sail. For five days the storm raged, the sea grew wilder, and the ships separated. On the 23rd a remnant gathered together. The wounded were dying by hundreds, but that night the gale came on again, and for eleven days they were unable to communicate except by signal. Galleon after galleon fell away to leeward on the vast rollers of the Atlantic; and in the middle of September the admiral, with one-third of the grand Armada, crawled past the Blaskets, and straggled back to Spain.

The cry which went up from that country was as the cry of the Egyptians when the destroying angel had passed over the land. There was not a house where there was not one dead.

Philip shut himself up in the Escorial and none dared to speak to him. There was not one man left in all Spain—wrote the chronicler—whom the King might put in place for matters of the sea, for those whom his trust was in were dead and drowned.

Through Europe the news of disaster spread fast, and to one, at least, in Rome, the tidings meant exile from home for life. When the news arrived at Rome those in power turned coldly from Cardinal Allen, and the iron entered his soul.

“Thou knowest, good Lord—he wrote—how often we have lamented that for our sinnes we should be constrained to spend either al or most of our serviceable years out of our native country. . . . Thou knowest how earnestly we have desired Thee to incline our Princes hart to admitte us to our country into what state soever so that we might there in povertie and penaunce serve the poor soules to their salvation.”

We can picture the Cardinal gazing down upon Rome from the height of the Janiculum, his eye sweeping the landscape from the desolute Campagna with its broken aqueducts, and the Alban Hills in the distance, across the broad Tiber, with the lofty houses clustering close to its yellow waters, and on to where Soractes peak glistened in the sun, and yet, with all that historic landscape before him, longing with untold yearning for

one look upon the mountains and fells of Lancashire, one glance at the bold Keep of Lancaster Castle upon which he had gazed so often in his early days, and for one glimpse, however brief, of that old hall in the level plain of the Fylde, which long years before had been his home.

But where were the rest of the nobles of Spain who had gone forth in her Armada to conquer or to die? The English fleet had left the Spanish admiral in the North Sea with a hundred and twenty sail, and of these about fifty had returned to Spain. Where were the rest?

Five-and-twenty ships steered north from the Orkneys. One galleon went ashore on the Faroe Isles. The rest, unable to face the cold of the northern latitudes, turned south, and made for the west of Ireland. A second galleon was lost on the Orkneys. A third drifted down the coast of Scotland on to the Island of Mull. It was one of the largest of the whole fleet. The commander was a grandee of the first rank, always served in silver. The crew were too weak to defend themselves, the islanders fired the ship, and all on board perished.

Seven ships entered the Shannon crying for water. They were refused, and when they fled again to sea the gale caught them, and they were dashed to pieces on the rocks of Clare.

Another galleon was brought up behind Clare Island in a sinking state. The commander, with one hundred followers, carried their treasure ashore, where the islanders soon disposed of them, and the galleon sank with the rest.

Another galleon of a thousand tons named "Our Lady of the Rosary" all but escaped. She had sailed with seven hundred souls on board, five hundred were dead, and the remainder sank with the ship when she struck the rocks in Blasket Sound.

One galleon drifted to the south-east, and finally struck the sand on the western shore of the Isle of Walney, and within sight of the Peel of Fouldrey, where many had urged the Armada's forces should land, the great vessel was dashed to pieces. For nearly three centuries the sea covered the wreck,

but some forty or fifty years ago, the waters revealed many of the cannon, which it was hoped would have broken the English power.

The loss of life was enormous. Those who escaped the sea only escaped to meet a terrible death at the hand of the natives on the west of Ireland.

It is estimated that in the month of September alone, eight thousand Spaniards perished between the Giant's Causeway and Blasket Sound. Truly "there was sorrow on the sea."

THE LANCASHIRE WITCHES.

THE existence of witches in the sixteenth and seventeenth centuries was maintained by high authorities such as Sir Walter Raleigh, as Hobbes the Sceptic, as Sir Matthew Hale; and Selden, the learned member for the Borough of Lancaster, maintained that crimes of imagination should receive the punishment of death. But the arch-enemy to these unfortunate creatures was that "Most High and Mighty Prince" to whom the authorised version of the Scriptures is dedicated. Yet there never sat upon the throne of England a pedagogue of greater conceit, a man of narrower mind, or more bitter prejudices than James I.

Some years previous to his succession to the English crown, James had written a treatise entitled, "*Daemonologie*," a work which contained a series of most wicked and dangerous statements concerning the making of witches and the practice of witchcraft, statements, which, if true, only proved the Royal author to be deep in the council of Satan, and a regular attendant at Witches' Sabbaths. "Besides evidence—writes this heartless dispenser of justice—there are two other good helps that may be used for their trial; the one is the finding of their mark, and then trying the insensibleness thereof; the other is floating on the water."

The year which saw the author of this infamous treatise ascend the English throne saw the passing of an Act which disgraced the Statute Book until the reign of George II. The Act provided that "all persons invoking an evil spirit, or concealing, covenanting, or employing any evil spirit . . . or killing or otherwise hurting any person by witchcraft, sorcery, charm, or enchantment, shall be guilty of felony, without benefit of clergy, and suffer death." This execrable statute, coupled with the tests

prescribed by the King, at once brought into prominence the trade of informers—creatures who overran the country, and for a consideration forged the short but utterly incredible evidence upon which so many unfortunate creatures were condemned to death. No victim was too high or too obscure for these witchfinders. They had only to give their account of the transactions which the accused had held with Satan ; the victim was at once urged to confess, and often put to the torture with that end. If under the torture his courage gave way, and in the hope of obtaining mercy he confessed to the crimes of which he was accused, he was an acknowledged witch, and was hanged without mercy. If he refused to confess to sins which he had never committed, he was declared to be an obstinate offender, and was also hanged without mercy. What hope, then, could a man have when once the terrible crime of witchcraft was laid to his charge ?

No doubt there were many who traded upon the superstitions of the country people in a superstitious age. There were few districts which had not their wise woman, to whom alike the farmer, interested in his crops ; the lover, whose course of true love was not always smooth ; or the wife of the sailor absent on the ocean, were wont to resort. But if the rewards of divination were ample, the diviner lived as the outcast of the earth. Far away from human habitation, often in caves or dens in the earth, was the home of the witch. Shunned by all, except when in the twilight those who sought to avail themselves of her powers crept stealthily to her shrine, she was always subject to a terrible accusation and to a terrible death.

Such a statute, then, was in itself an instigation to many to turn witchfinders, and the local magistrates were nothing loth to distinguish themselves in seconding the efforts of the witchfinders by all means in their power. In Lancashire there were two jealous Justices of the Peace—by name Roger Nowell and Nicholas Bannister—who, in the burning zeal of their profession, seized upon several helpless women from the valley of the

Hodder, proclaimed them to be witches, and sent them for trial to Lancaster Castle. Their arrest was followed by that of several others, and the Spring of the year 1612 saw no less than nineteen unfortunate creatures imprisoned at Lancaster on a charge of witchcraft, and their trial was that iniquitous parody of justice known as the "Trial of the Lancashire Witches."

Of this trial we have a fairly ample report drawn up by the Clerk of Assize, Master Thomas Potts. This report designates itself:—

"The Wonderfull Discoverie of Witches in the Countie of Lancaster, with the arraignment and triall of Nineteene notorious Witches at the Assizes and Generall Gaole deliverie, holden at the Castle of Lancaster, upon Munday, the seventeenth day of August last, 1612, Before Sir James Altham and Sir Edward Bromley, Knights, Barons of His Majesties Court of Exchequer and Justices of Assize, Oyer, and Terminer and Generall Gaol Deliverie in the circuit of the Northern Parts.

Here shall you behold—writes Master Potts—the Justice of the Land truely administered, Praemium et Poenam, Mercie and Judgment, freely and indifferently bestowed and inflicted. And above all things to bee remembred the excellent care of these Judges in the triall of Offendors."

That the account might not want the stamp of authority, one of the judges states that he took it upon him to revise and correct it, and that the whole proceedings and evidence were "carefully set forth and truely reported," and he judges the work "fit and worthie to be published."

But there was one great disappointment to the zealous Clerk of Assize and the prejudiced magistrates of Lancashire,—Elizabeth Southernnes, commonly known as Old Demdike, the Arch-Witch, the head and front of all the offenders, totally blind and worn out with the persecution to which she had been subjected, died in prison before the trial. Her biography, as recounted by Master Potts, is short, and cannot be said to err in

sympathy to her who had been summoned to appear before a higher tribunal :—

“Shee was a very old woman, about the age of Foure score yeares, and had been a Witch for fiftie yeares. Shee dwelt in the Forest of Pendle, a vaste place, fitte for her profession. What shee committed in her time no man knowes.

Thus lived shee securely for many yeares, brought up her owne children, instructed her grandchildren, and took great care and paines to bring them to be witches. Shee was a general Agent for the Devill in those parts.”

We might ask what proof the biographer had of this last statement ; the agent was dead and therefore could not give evidence of the agency, and the principal was not called.

The trial therefore was deprived of one of its most interesting features, but there are few sadder and darker pictures than that of this blind old woman, dying from the cruelty of her persecutors in the dungeons of Lancaster Castle.

Before the trial opened the unfortunate prisoners were examined and cross-examined, and possibly under the influence of the rack, various curious confessions were wrung from them. Two conclusions are evident from these confessions, which it is well to bear in mind in considering the trial :—

- 1.—That there was undying hatred between the family of Demdike and the family of Chattox.
- 2.—That one of these families had evidently been instigated to accuse Alice Nutter, a wealthy lady, of the terrible crime of witchcraft, with a view to her speedy removal from a stage upon which, perhaps, for the wishes of some interested relatives, she had lingered too long.

The trial opens on the afternoon of the 18th of August, 1612, in the old Crown Court of Lancaster Castle. From end to end of the long hall there is a sea of faces all turned towards the Judge, who has just taken his seat upon the bench. Our eyes wander to the prominent figure of the Keeper of the Castle, the

Thomas Covell whose destruction was supposed to be one of the ends longed for by the Lancashire Witches. No mean part was his in the affairs of his town at that time. Six times was he Mayor of the Borough, for forty-six years he was one of the Coroners of the County Palatine of Lancaster, for forty-eight years was he Keeper of the Castle. He was Captain of the freehold Band of the Hundred of Lonsdale South of the Sands, and Justice of the Peace and Quorum throughout the County. Instead of meeting the terrible fate alleged to be intended for him by the witches, he lived for twenty-seven years after the trial, dying at the age of seventy-eight ; and few of us think when we pass up the centre aisle of St. Mary's Church that the rough-looking piece of brass in the pavement covers the ashes of a man who was present and took no unimportant part in the trial of the Lancashire Witches.

But while we are gazing at the Keeper of the Castle, the voice of the Clerk of Assize is proclaiming that all Justices of the Peace who have taken any examinations of prisoners should make return of them, and that all such as were bound to prosecute indictments and give evidence against witches, should give attendance, for His Majesty's Judge of Assize now intends to proceed to the arraignment and trial of witches. We hear a murmur amongst the crowd, and turning, we see at once that the first prisoner is being brought to the bar.

All that the whole majesty of the Law is now summoned to bear upon, all that the immense crowd which the fame of the trial has brought from all parts of the country behold, is a decrepit old woman, on whose head four score winters have cast their snows, whose sight is almost gone, and whose body shakes with the palsy from head to foot. As the old woman gazes helplessly at the vast array before her, we hear the Clerk of the Court reading the indictment, and her ears listen vaguely as she hears the charge that she, Alice Whittle, otherwise Chattox, feloniously had exercised divers arts called witchcrafts, enchantments, charms, and sorceries, upon one Robert Nutter, of

Greenehead, in Pendle, and by force of the same witchcrafts feloniously the said Robert Nutter had killed. The prisoner's voice is heard tremulously pleading "not guilty" to the charge, and at once the relentless magistrate who prosecuted demands that her confession shall be read. Under what circumstances this confession was made we know not—what intimidation had been used, how the poor creature's fears had been worked upon, we cannot tell; but as the King had declared that no evidence could be better than a witch's own statement, it is brought forward against her as triumphant proof.

"About fourteen or fifteen years ago—so runs the Confession—a thing like a Christian man for foure years together did sundry times come to me and requested me to give him my soul. And in the end I was contented to give him my soul . . . whereupon the Devill then, in the shape of a man, said to me—Thou shalt want nothing, and be revenged of whom thou list. The Devill then commanded me to call him Fancie, and when I wanted anything or would be revenged on any, call on Fancie and he would be ready." The confession goes on to say that "Robert Nutter having offended me, I called Fancie to me, who came to me, asking me what I would have him to do. And I bade him go revenge me of Robert Nutter. After which time Robert Nutter lived about a quarter of a year and then died." Such was the substance of the confession of this aged woman. After all the efforts on the part of the Crown, the incriminating confession simply resolves itself into a statement that she had wished to do some injury to Robert Nutter, and that three months after she had expressed the wish Robert Nutter died, not anywhere near where she lived, but nearly a hundred miles away.

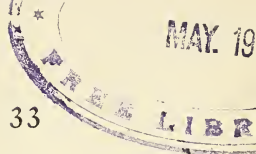
But while we are musing, the Clerk of the Crown is again reading a confession—this time the confession of Old Demdike. The statement says that half a year before Robert Nutter died, she saw the prisoner making a picture of clay or marl, and on asking her own spirit—not the prisoner or the prisoner's spirit—

who the figure represented, she was told it was that of Robert Nutter. Her own spirit urged her to help at the operation, but she declined, whereupon—oh, lame and impotent conclusion—the spirit upset her milk-can, and, in the exact words of the confession, the “spirit appeared to me again in the shape of a hare, and so went with me about a quarter of a mile, but said nothing to me nor I to it.”

But a third statement is read—this time of one James Robinson, who commences by complaining of some of his beer having turned sour, “as I *think* was by the meanes of Chattox. And further I say that Anne Whittle and Anne Chattox, her daughter, are commonly reputed and reported to bee witches.” Have we descended to common report in a case of life and death? But the statement is proceeding—Robert Nutter, says the witness, fell sick and in his illness said that he verily thought Anne Whittle had bewitched him. No reasons are given for the belief, and no attempt is made to give any corroboration for such a statement.

Two more confessions are read—the one of James Device, the other of Alizon Device, both prejudiced witnesses against a member of the Chattox family, but in neither of them do we hear a word against the prisoner in connection with the murder with which she is charged, and not a single witness is produced for cross-examination. Can a more disgraceful parody of justice be imagined? Two confessions, probably extorted by threats, one from the prisoner herself, the other from her deadly enemy now passed from life, the examinations of witnesses both prejudiced against her, and not produced for her to cross-examine, and the evidence of one witness whose evidence was chiefly what he had heard, and who also is not present in the Court.

The monotonous voice of the Clerk of Assize has ceased, and the prisoner is heard pleading her cause. In tremulous accents she admits that her sins may be neither few nor light, but life has few charms for her. Only—she entreats—only will the jury



have mercy on her child, that her innocence may be spared the pain and the terrible anxiety which has been her mother's lot.

We see her hastily removed from the bar, for the Keeper of the Castle has many prisoners to bring before the Court. The preparations for the executions on the morrow are all made, and it would be a pity if the executions had to take place before the verdicts had been found!

In swift succession on that August afternoon come before us the child and the grandchildren of Old Demdike—Elizabeth, James, and Alizon Device—and their trials are hurried over. So also are those of three other poor creatures, who, owing to the principal witness confessing that she has been suborned to give evidence against them, escaped with their lives. Then comes the trial of "Bonny Nance Redfern," and her mother's piteous appeal seems to have had some weight with the jury, who acquit her of the crimes with which she is charged. But her ruthless persecutors frame another indictment, and the country beauty is swept away with the rest.

The next trial demands more than a passing notice.

The prisoner who is passing into the dock is a lady of high degree. Tall and commanding in her presence, she repudiates all connection with witches and witchcraft. Wealthy, well connected, and in rank equal to the magistrates who now prosecute her, it is not improbable that the tradition is correct which alleges that the chief witness against her has been instructed to accuse her by her own nearest relatives, and that Roger Nowell—with whom she had a long-standing dispute about the boundaries of their estates—was nothing loth to press the charge. The Indictment charges that she, Alice Nutter, feloniously had practised wicked arts, enchantments, charmes, and sorceries, in and upon one Henry Mitton, and the said Henry Mitton, by force of such witchcrafts feloniously did kill. To this indictment she pleads "not guilty" with a voice of scorn. Quickly the evidence is placed before the Court. The first evidence is the statement of Elizabeth Device, entirely

uncorroborated and made some months before, that she and the prisoner had joined together and bewitched Henry Mitton to death. This witness is not produced, and the Clerk of Assize proceeds to read the Confession of James Device, whose only evidence relevant to the issue is hearsay evidence, viz., that he *heard* his grandmother say a year ago that she, Elizabeth Device, and the prisoner, had killed Henry Mitton by witchcraft. Hearsay evidence and the witnesses not produced!

But there is a movement in the Court, and a witness is actually brought forward. This witness is Jennet Device, daughter of Elizabeth Device, sister of James and Alizon Device, and it is upon her evidence that afternoon that the lives of her mother, her brother, and her sister have depended, and by which evidence those lives have been deliberately sworn away. Yet she is but nine years old. She has learnt her lesson well. Shortly and pitilessly she declares that on the previous Good Friday about twenty persons came to her grandmother's house at Malkin Tower, all of whom, *she had been told*, were witches, and in open court she pointed to Alice Nutter as one of these.

The case for the Crown is closed, and we in our minds try to realise upon what evidence that case is based:—

One man—not called—says his grandmother had told him the prisoner was a party to Henry Mitton's death.

One woman—not called—says she joined with prisoner in bewitching Henry Mitton to death.

One little girl, nine years of age, says her mother told her Alice Nutter was a witch.

Is it to be wondered at that we hear the firm voice of the prisoner appealing to the Judge to protect her against the vile conspiracy which has placed her there, asserting her entire innocence, and citing her accusers to meet her at the bar of God?

The night is far spent when the jury return their verdicts, and ten human beings await in anxious suspense the word which is to restore them to life and liberty, or to consign them to a

felon's death. Amid a breathless silence throughout the crowded court, the jury state that they consider the charges proved, and the light of hope goes out from the prisoners' hearts. The crowd exult boldly and openly at the prospect of a grand execution in the morning, until the Clerk of Assize is heard proclaiming silence thrice, and the Judge commences his judgment.

After some profane comparisons which we pass over, he remarks—we might think in satire—"You of all people have the least cause to complaine, since in the triall of your lives there hath been great care and paines taken and much time spent ; Nay, I may further affirme, what persons of your nature and condition ever were arraigned and tried with more solemnity, had more libertie given to pleade or answer to every particular point of evidence against you."

We, in this twentieth century, look back with wonder and horror upon the unfeeling nature of a man, who, when no less than nineteen trials have been hurried over, and ten of his fellow creatures have been sent to die, can congratulate them upon the manner in which they have been tried.

Passing over the well-turned periods of his elaborate sentence, his expression that the worst he wished them was remorse and true repentance, we listen to the summing up of his judgment, which, in its utter heartlessness, surpasses all the rest :—

"First," he says, "yield humble and hartie thanks to Almighty God"—for what?—"for taking hold of you in your beginning and making stay of your intended practices, which would in time have cast so great a weight of judgment upon your soules."

And yet one of them had been convicted of murder committed eighteen years ago, and all the rest had been found guilty of equally serious crimes.

"Then," said the Judge, "praise God that it hath pleased Him not to surprise or strike you suddenly in the midst of your wicked practices, but hath given you time, and takes you away by a Judiciall course and triall of the law."

“Last of all (he says) crave pardon of the world, and especially of all such as you have justly offended, and for leaving to future times the precedent of so many barbarous murders, which may be a *comfort* to you in that it may instruct others to refrain from holding the like course.”

Then we hear the Judge’s voice raised in the material part of the sentence—that they should “bee carried to the place of execution for this Countie, where your bodies shall bee hanged until you be dead, and God have mercie on your Soules.”

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THE CIVIL WAR.

ON the outbreak of the struggle the county of Lancaster had found itself divided, the eastern portion with the towns of Manchester and Bolton declaring for the Parliament, the rest of the county declaring for the King. The western portion recognised as its leader, James, Lord Strange, and shortly afterwards seventh Earl of Derby. Born in 1607, he could claim kinship with several branches of the Royal Family of England. His mother was the eldest daughter of the seventeenth Earl of Oxford, and granddaughter of the great Lord Burghley. His grandfather, the fourth Earl of Derby, had married Margaret Brandon, the great granddaughter of Henry VII, and Henry VII was the direct descendant of "Old John of Gaunt, time honoured Lancaster." In 1626, Lord Strange was married at the palace of the Prince of Orange, at the Hague, to Charlotte de la Tremouille, granddaughter of that William the Silent at whose death the little children had cried in the streets. For some time after their marriage Lord and Lady Strange lived in London, but both were soon tired of the plotting and dissipation which prevailed at the court of Charles the First, and they retired to Lathom. The Earl then took an active part in the affairs of the county, visiting Lancaster periodically to meet the Judges of Assize. On the outbreak of the Civil War he raised an army for the King, and though the advice he tendered to Charles—advice which might have saved that imprudent monarch from many of his troubles—was disregarded, no one shewed more distinguished loyalty to the throne than the seventh Earl of Derby. The King's capricious orders in many instances neutralized Lord Derby's efforts, and in his absence on a summons to attend the King at York, in February, 1643, the Parliamentary Generals seized and

garrisoned Lancaster. The prisoners in the castle were set at liberty, and Captain William Shuttleworth was appointed keeper.

Late in the same month a large Spanish ship was driven ashore at the mouth of the Wyre. The Roundheads sent a force to capture the vessel, but Lord Derby was too quick for them. He seized the ship, turned the Spaniards adrift, took prisoner Colonel Dodding and Mr. Townson of Lancaster, who had gone down from the town to see the guns, and burned the vessel to the water's edge. The Roundheads waited until Lord Derby's force had retired, and then set to work to raise the guns from the bed of the river. Twenty-two pieces were recovered and taken by boat up the Lune to Lancaster. Lord Derby soon heard of their recovery, and marched northwards with six hundred foot and four hundred horse through the Fylde, and being joined near Galgate with six hundred men under Sir John Girlington of Thurland Castle, and Colonel Tyldesley, he, on the morning of the 18th March, 1643, appeared before Lancaster, and addressed a demand for surrender.

"To the Maior and Burgesses of the Towne of Lancaster. Gentlemen,—I am come into these parts by His Majesties speciall command to free you from the bondage of those declared traitors that now oppress you and endeavour your destruction by bringing you into their own condition. I will not now mention your former neglect of the King's Service, nor I hope I need not tell you what forces I have or might have upon occasion, nor how joyfully all the countrey in my march have joyned themselves unto me. If you will submit the town and your arms unto me and likewise endeavour with me to re-obtaine the Castle you shall all have fair usage from me; if not expect from me what the law of the lande and the usage of warre will inflict upon you. Thus expecting your answer by ten of the clock this day, I rest your friend,

DERBY."

The Lancastrians always had a fervent desire to side with the strongest. But they were now on the horns of a dilemma. Here was the Earl of Derby at the gate demanding the surrender of the town, and threatening fire and sword if they refused. Willingly would they have surrendered, but their friends in the Castle said plainly that the town must be retained for the Parliament, and they in their turn threatened fire and sword if it were given up. Altogether the Mayor, as he glanced towards Lord Derby outside the gate, and at Captain Shuttleworth inside the gate, might well exclaim: "How happy could I be with either, were t'other dear charmer away."

But the Roundheads were not idle during the time that the Mayor was considering his answer.

The Castle was short of provisions, and the soldiers entered house after house demanding provisions and material to stand a siege. We still have preserved the petition of James Hardman, the landlord of the principal inn and postmaster of the town, presented to the Parliament years after, asking for some compensation for the loss he sustained on this morning in March, 1643. The petition bears an indorsement referring the matter to the Treasury, and signed with the large autograph of Oliver P(rotector), but whether the unfortunate landlord ever received redress does not appear. On that March morning, however, he saw the Parliamentary soldiers enter his door, and without so much as asking his leave, proceed to carry off his choicest stores. A hogshead of sack was soon rolled out, followed by beer and French wine and mustadyne. Thirty windles of meal, three whole beeves, a whole brawn, a tub of salt, suet, salt fish, dried beef and bacon, fresh butter, follow in quick succession. Then come eight cheese, two runlets of sack, a quantity of turkeys, pigs, mutton, and other provisions intended for the Assizes. His large chest of linen is seized, his furniture follows, and in half-an-hour the landlord of what had been the best provided hostelry in the county town looks round on an empty house and an empty cellar.

Meanwhile, the Castle authorities had impressed upon the Mayor the advantage of the town being held for the Parliament, and the Mayor, anxious to secure favour with both parties, sent the following doubtfully worded answer to Lord Derby :—

“Right Honble.—We received yours of this instant, and do returne this answer : that all our arms are under the command of officers now within our town for the King and Parliament, so that we have not the disposal of them, and at their coming they took and fortified the Castle, which was never in our command, and by reason thereof have our towne likewise at their pleasure ; so that both towne and castle are now at their disposal, and will be (by God’s blessing) kept for his Majesty. And thus we humbly take our leave.”

Well might the Earl attack the town on receipt of such a reply. The result of the attack was, as we have seen, to drive the Roundheads into the Castle. The fire spread. Some of the charters of the town still bear traces of the flames. Penny Street, “that long street from the White Cross, all was burned ; dwelling houses, barnes, corne, hay, cattell in their stalls.” The author of a contemporary tract entitled “Lancashire’s Valley of Achor,” writes : “The barns, stables, cowhouses, replenished with corn, hay, and cattle that were burned were eighty-six, containing two hundred and forty bayes of building and one malt kiln of four bayes of building, with three hundred windles of malt therein. By all which,” he says, “it evidently appears that they displayed the banner of the skarlet-coloured beast.” He proceeds to relate how “a miracle of mercy was wrought in the midst of this undoing and heart-breaking misery. They purposely and industriously gave fire to two houses of persons well affected to King and Parliament, but they would not take fire ; no, by no means, though they renewed their endeavours severall times in severall places, though the next houses were burned down to ground. Faith quenched the violence of fire ; this shield quenched the fierie darts of the devill.”

The Cavaliers found that the Castle walls were strong enough

to stand a siege, and Lord Derby, fearing an advance of Roundheads from the south, retired to Preston. During the next few weeks he attacked Bolton, took Blackburn, but eventually was defeated by Colonel Assheton at Whalley. From Whalley he retired to his home at Lathom, and thence retreated northwards through Lancaster to Hornby Castle, from whence he left to join the Queen at York. Colonel Assheton with the Parliamentary forces followed him through Lancaster as far as Claughton Hall, and then, seeing the disorganised state of the Royal army, returned to Lancaster. From the Castle he removed fourteen of the guns taken from the Spanish ship. They were taken to Manchester and fired there on a day of thanksgiving, astonishing the people in no small degree by the sound.

Still, Hornby and Thurland Castles held out for the King, and a Royalist force besieged Lancaster Castle. The siege lasted three weeks, but was raised by the advance of Col. Assheton on his way to reduce the castles in the Vale of Lune. The Roundheads marched past Claughton Hall to Hornby. Encouraged, as their chronicler relates, by the weighty and seasonable word of a present Divine, who urged them to fall upon the Cavaliers as David fell upon the Amalekites, they advanced furiously to the attack. Over confident, they fell into an ambuscade, and sustained a sharp repulse. A council of war was held, and a traitor appeared in the camp. The soldiers again advanced to the attack, and the gates of the Castle were assailed with great violence. The Royalists answered with shot from the church, but the Roundheads succeeded in setting fire to the gates. The Cavaliers defended themselves as bravely as ever, but there was a cry behind them; the traitor had led a number of Roundheads to the back of the Castle, scaling ladders had been placed against the wall, an entrance had been effected through the great window, and the Royalists found themselves assailed from without and from within. The assault lasted two hours, and the Castle fell.

The following day Thurland Castle surrendered, and the news was sent to London that Sir John Girlington, a strong malevolent, was taken, and also much money and plate, with many disaffected ladies and gentlewomen who were fled for shelter thither.

Three months later Thurland was again besieged. For seven weeks it held out, and a Royalist force was raised in Furness for its relief, only, however, to be completely defeated at Lindal Close. Thurland, despairing of further help, surrendered, but the garrison marched out with all the honours of war.

The Earl of Derby retired to his kingdom in the Isle of Man, and the garrison of Lancaster was strengthened.

Early in 1644 occurred the historic siege of Lathom House, which the brave Countess of Derby so long defended. The advance of Prince Rupert with his army raised the siege, and Liverpool was taken by storm, but only a few days later, in July, 1644, came the battle of Marston Moor, so disastrous to the Royal cause. Rupert's forces fled across Lancashire, and the siege of Lathom was renewed. The siege lasted for nearly six months, and in December the home of the Earl of Derby fell into the hands of the Parliamentary forces. Some of the prisoners taken at the siege were sent to Lancaster and incarcerated in the Castle. Colonel Dodding was appointed governor, the wooden portcullis was removed from the gateway and one of iron substituted. The fortifications of the town were rebuilt and repaired.

One other fortress, Greenhalgh Castle, near Garstang—a solitary tower of which can still be seen by the traveller between Lancaster and Preston—had held out for the King. It was besieged by Colonel Dodding, the governor of Lancaster Castle; and a major in the Parliamentary army writes that the garrison “vexed the country thereabouts extreamly. They sallied out upon the leaguers and killed some. They stood it out stoutly all that winter. The leaguers had thought to undermine the Castle and blow it up with gun-powder, and great cost was

spent about it to pioners, but to no effect ; the ground was so sandy it would not stand. At last, Anderton, the governor, died, and then those within being thereby discouraged, they were glad to come to a composition to deliver it up upon conditions which were that they might go to their own houses and be safe." The same writer tells how at that time Lancaster Castle was garrisoned by "a rude company of Yorkshire troopers, the cruellest persons this county was ever pestered with ; men that could not be pleased with any quarters for themselves, and for their own advantage would quarter themselves (as far from the Castle) at the bottom of the Fylde country." In consequence of this Parliament ordered that the walls about the Castle should be thrown down, "only the gate houses, the buildings on the west and south, with the towers, to be retained for the confinement of prisoners."

And then it was that a day was appointed for a solemn thanksgiving for the clearing of the County of Lancaster from malignants, and that sturdy Presbyterian, the Rev. Nehemiah Barnet, then vicar of Lancaster, preached before the Honourable Committee of the County. On the 18th day of December, 1645, the Parish Church of Lancaster was filled to overflowing. In the principal seats sat the Committee of the County. The townspeople, always eager to shew their sympathy with those in power, mustered in large numbers. Mingling with them were the stern troopers whose swords had won and kept the Town and Castle for the Parliament. The rattle of steel accompanied every movement of the congregation, and a stern hum of satisfaction was heard through the church whenever the preacher gave utterance to some sentiment which met with their approval. The sermon was preached by the Rev. Nehemiah Barnet, whose fiery exhortation had urged on the soldiers at the siege of Hornby. He takes his text from part of the eleventh verse of the twenty-sixth chapter of Isaiah—"Lord when Thy hand shall devour them." Proceeding with his discourse, he draws a contrast between the achievements of

the Cavaliers and their opponents. "Look," he cries, "upon their many meanes and advantages; they had many roaring, thundering, terrifying cannons; we but one small piece; whiles the lift up hand of the God of the seas was working with the windes to bring in a Dunkirke ship, a man of war that came from Spaine, furnished with one and twenty brass and iron ordnance, fit to supply our present wants, and to carry them so neare our strongest Castle, which had no cannon at all. And shall wee not remember the hand of God in preserving the Castle of Lancaster after the cannons were hastily conveyed thither; the envy of our enemies was presently increased, and therefore with much fury and with all their forces came against the Town and Castle, and were so hot that they quickly fired the town, and thought thereby to have fired or frighted us out of the Castle, and so have gained that which God's hand had so lately given us." The staunch Presbyterian proceeds to denounce the misdeeds of the Cavaliers amid the murmured approbation of his hearers, and finally lifting up his voice till the roof rings again, he declares: "Happy art thou, O Lancashire, who is like unto thee, O people. According to the song of Habakkuk, Thou didst march through the land in indignation, thou didst thrash the heathen in anger, thou wentest forth for the salvation of thy people, even for salvation with thine anointed. Thou didst strike them with his staves the head of his villages, they came out as a whirlwind to scatter me, their rejoycing was to devour the poor secretly. The whole country triumphed in his praise. For our mouth was enlarged over our enemies, and our heart did rejoyce in his salvation."

Nearly three years later, the Duke of Hamilton marched southward from Scotland with an army in support of the Royal cause. On the 10th of August, 1648, he arrived at Hornby, and wrote to the ministers of various villages who, on his advance, had taken refuge in the Castle. The Duke stated that they need have no fear of his army, his object being simply "for settling Presbyterian government according to the Covenant,

liberating and re-establishing His Majesty, and for other ends conducing to the good and peace of the kingdom." The clergy—ten in number—headed by the rector of Halton, replied that they acknowledged themselves to be but weak men, but it was incredible to them how they should have safety and peace, knowing their old enemies of religion and the kingdom's peace were with the Duke. They had all taken the Covenant and were zealous for re-establishing His Majesty, but they doubted not the reality of the intentions of the two houses of Parliament. Hamilton left Sir Thos. Tyldesley with a large force to besiege the castle, and the garrison were reduced to the greatest extremities. Then came the great battle on the Ribble, a few miles north-east of Preston, when Cromwell, with his Ironsides, charged down upon the Royalists, and a thousand of Charles' supporters were left on the field, and four thousand fell into the hands of the Parliamentary General. Tyldesley at once raised the siege of the castle and retired to Appleby, where, with the remnant of his force, he surrendered on the 11th October, 1648.

For three years more the county had peace, but in August, 1651, Charles II advanced with a Scotch army into Lancashire. The night of the eleventh of August saw the King at Borwick Hall, and we can fancy the Cavaliers wandering about the grounds round the old hall, which, even now in their decay, add so much to its beauty. The following day, Charles was proclaimed King of England, Scotland, and Ireland, with all due ceremony, at Lancaster Market Cross, and the night was spent at Ashton Hall. The next night the Cavaliers passed at Myersco' Lodge, the house of the gallant Tyldesley, and the following day the march was continued to the south. Lord Derby landed at the mouth of the Wyre on the 16th of August, and after joining Charles in Cheshire, was sent back to his own county to raise forces for the Royal cause. Ten days later he was obliged to oppose his raw recruits to the skilled veterans of the Parliament at Wigan Lane. The Earl charged twice with his accustomed bravery, and cut through the enemy, but in a

third charge Sir Thomas Tyldesley—the hero of the Cavaliers in Lancashire—fell, and Lord Derby, severely wounded, fled from the field.

Sheltering a short time with the Penderells at Boscobel, the impatience of his gallant spirit urged him on, and he joined the King the night before that battle of Worcester which shattered the King's forces. From Worcester Lord Derby fled with Charles, and after placing his King in comparative safety, he surrendered to a Parliamentary officer on the borders of Cheshire.

On the 1st of October he was brought to trial by court-martial at Chester. He pleaded that quarter had been promised him; but his sentence and the place where it was to be carried out seem to have been fixed before the court sat, and it only remained for the court to pass sentence of death.

All efforts to save his life failed, and on Sunday, the 12th October, the Earl wrote his last pathetic letters to his wife and to his children. He who had stormed Lancaster at the head of his troops, and ridden through its streets flushed with victory, now writes to his three children in the Isle of Man.

“My dear Moll, my Ned, my Billy. I remember well how sad you were to part with me when I left the Isle for England, but now I fear you will be more sad to know that you can never see me more in this world. But I charge you all to strive against too great a sorrow . . . my desires and prayers are that you may have a happy life; let it be as holy a life as you can, and as little sinful. . . . Obey your mother with cheerfulness for you have great reason soe to doe, for besides that of mother, she is your example, your nurse, your counsellor, your physitian, your all under God. I am called away, and fear this may be the last I shall write. The Lord my God bless you and guard you, so prays your father, that sorrows most at this time to part with Malahey, Ned, and Billy.”

On the Tuesday following, Lord Derby began his journey to Bolton where the execution was to take place. The

arrangements had all been made by Cromwell. On the way the Earl was separated from two of his children. He knelt on the bare ground and prayed earnestly with them, the stern soldiers looking carelessly on, and the crowd behind them bewailing the fate so soon to fall on him they so much loved.

The Earl's passionate appeal to be allowed to halt for a few moments to gaze upon the grave of his brother-in-arms, the heroic Tyldesley, was curtly refused, and the night was spent at Leigh.

On the following morning he handed to his son, Lord Strange, his Order of the Garter, bidding him "take it to my Gracious Sovereign and say I sent it with all humility and gratitude, as I received it spotless and free from any stain, according to the honourable example of my ancestors." And so the brave Earl of Derby passed away.

GEORGE FOX.

As a young man of less than thirty years of age, Fox had wandered from Church to Conventicle, from Conventicle to Church, in search of the truth. When he went for counsel, one priest, he states, "bade me take tobacco and sing psalms. Tobacco was a thing I did not love, and psalms I was not in a state to sing. I could not sing." In other sects, too, Fox found there were blind guides, and after roaming about for some time, he began to preach his own views, and in season and out of season to force them upon public attention. He wandered from place to place, he entered the Steeple Houses, as he named the Churches, and he argued theology with the parsons with a persistency which, even when his arguments perhaps were not of the soundest, often won him the day. He was soon well known, and his strange face, his strange chant, his immovable hat, were known all over the country.¹ At Derby, he was brought before Justice Bennett, whom he bade to tremble at the word of the Lord. In reply the Justice called him a Quaker, and the name has outlived the earlier name which Fox's followers adopted—that of "The Children of Light." He was repeatedly imprisoned and set in the stocks, but he soon gathered round him a body of followers, some of whom went far beyond him in their enthusiasm.

From Lancaster, Fox journeyed through Westmoreland to that old hall on the north side of Ulverston which was the scene of so many striking passages in the early history of the Society of Friends. Swarthmoor Hall was the seat of Thomas Fell, a barrister, of Lincoln Inn. In the Civil War he had leaned to the side of the Parliament, and in 1645 was

¹ Macaulay's History of England, chapter xvii.

returned as one of the members for the Borough of Lancaster. In 1648 he became a Judge of Assize, and was afterwards made Chancellor of the Duchy of Lancaster. His wife, Margaret Fell, was a descendant of the Askews, of Marsh Grange, near Kirkby Ireleth, and her great grandmother, Anne Askew, had been burnt at the stake, on account of her religious convictions, in the closing days of Henry VIII.

From Swarthmoor, Fox went with Judge Fell to Lancaster, and appeared at the Sessions to answer a charge of blasphemy. Opposed to him were some forty of the local clergy, with the Vicar of Lancaster at their head. Notwithstanding the arguments of the clergy, the charge broke down, and one of the magistrates, Colonel West, told Fox that if he had anything to say to the people he might freely declare it. Fox says that he was moved of the Lord to speak, and the walls of the old Crown Court rang with the echoes of the voice of the Founder of the Society of Friends, until the multitude rushed from the Castle, and proclaimed in the streets of Lancaster the triumph of the cause of the Children of Light.

Again at the Assizes following, the efforts to get a warrant against Fox failed, and that night he entered Lancaster, and in his own words "I stayed in town till the judge went out of town, and I walked up and down the town, but no one meddled with me or questioned me."

In 1654 and 1657, Fox was again at Lancaster, travelling in the meantime over nearly the whole of Southern England and Wales. In 1658 he saw for the last time the Great Protector, and placed before him the sufferings of Friends. Cromwell died three days later, and the following month Judge Fell passed away, and was buried by torchlight, beneath his pew, in Ulverston Church.

In 1660, Fox was again at Swarthmoor, and when there the constables arrived with a warrant for his arrest, signed by Henry Porter, Mayor of Lancaster, a gentleman who had been particularly active on the side of the Parliament during the Civil

War, and who, now that the tables were turned, posed as a strenuous supporter of Charles II.

From Swarthmoor, Fox was taken to Ulverston, where he was kept under a guard of fifteen or sixteen men, some of whom sat in the chimney for fear he should escape that way.

Being brought before the Mayor of Lancaster he was charged with being an enemy to the King, with endeavouring to raise a new war and imbrue the nation in blood. On this charge he was committed to prison, and from the Castle he issued a strong denial of the charges brought against him. Margaret Fell, indignant at the treatment Fox had received in her house, sent out an energetic protest against the high-handed proceedings of Justice Porter. Following up her protest, Margaret Fell proceeded to London to interview the King, and Fox's account of the effect of her measures upon the Mayor merits quotation :—

“When Justice Porter heard of her going he vapoured that he would go and meet her in the gap. But when he came before the King, having been a zealous man for the Parliament against the King, several of the courtiers spoke to him concerning his plundering their houses ; so that he quickly had enough of the Court, and returned to Lancaster. . . . There I sent him a letter which still further disquieted him, for I reminded him how fierce he had been against the King and his party, how that when he held the Castle for the Parliament against the King he was so rough and fierce against them that favoured the King that he said ‘he would leave them neither dog nor cat if they did not bring him provision into the Castle.’ I asked him also ‘Whose great bucks’ horns those were in his house, and where he had both them and the wainscot from that he ceiled his house withal ; had he them not from Hornby Castle?’”

Altogether, the Mayor found himself in a difficulty, and perhaps he was not a little relieved to find that Margaret Fell had obtained an order from the King for the removal of Fox to London.

The Writ for his removal was therefore sent down, and after nearly six months’ discussion over its terms, and as to the escort

which was to take Fox to London, Fox eventually relieved the Sheriff from a difficulty by undertaking to carry his own warrant to London. The judges at Westminster, were, however, somewhat surprised to see a grave man walk into their Court, and quietly produce from his pocket a Writ which charged him with embroiling the nation in blood. No one appeared against him, the matter was referred to the King, and that good-natured monarch ordered his release.

Three years later Fox was again at Lancaster. He had been summoned to a meeting of Justices at Holker Hall, and Margaret Fell had accompanied him. At the head of the table sat old Lawyer Rawlinson, who lived at that quaint old Hall still standing on the roadside between Cartmel and Cark. Next to him sat Thomas Preston, the owner of Holker, who, fifteen years later, according to his inscription in Cartmel Church, "*emigravit in coelis.*" And next to Preston sat Sir George Middleton, the last of the Middletons of Leighton Hall, a memorial tablet to whose memory is still attached to one of the pillars in Warton Church. After a lengthy argument in which Fox had the advantage throughout, the oath was tendered to him at the instance of Sir George Middleton. He refused to take it, and was required to appear at the Sessions at Lancaster.

"The Session," writes Fox, "was large and the concourse great, and way being made for me I came up to the bar and stood there with my hat on, they looking earnestly upon me and I upon them for a pretty space. Proclamation being made for all to keep silence upon pain of imprisonment, and all being quiet, I said twice 'Peace be among you.'"

Then of course followed an argument about the hat, which was eventually removed by order of the Court. The oath was tendered and refused on conscientious grounds, and Fox was committed to prison.

The Sessions were long, and it was late before Fox was led up the steep steps to his prison in the common ward.

At the Assizes on the 14th March, 1664, Fox was brought up again, and again came the argument about the hat and the refusal to take the oath, which ended in his being remanded to the next Assizes. Before that time, Margaret Fell was committed to prison, and the walls of Lancaster Castle looked down upon the great granddaughter of Anne Askew imprisoned for conscience sake.

In September, 1664, George Fox and Margaret Fell were brought up in the old Crown Court, and Fox requested the judge "‘to send some one to see my prison which was so bad they would put no creature they had in it.’ . . . Some of the justices went up to see it, but when they came they durst hardly go into it for the floor was so bad and dangerous, and the place so open to wind and rain."

Fox raised so many objections to the indictment that the judge, finding it worthless, tendered him the oath. After a long argument he was remanded to the next Assizes, and Colonel Kirby, the sheriff, gave order to the jailer "‘to keep me close and suffer no flesh alive to come at me, for he is not fit to be discoursed with by men.’ Then I was put into a tower where the smoke of the other prisoners came up so thick that it stood as dew upon the walls, and sometimes it was so thick that I could scarcely see the candle when it burned, and I being locked under three locks, the under-gaoler, when the smoke was great, would hardly be persuaded to come up to unlock one of the uppermost doors for fear of the smoke, so that I was almost smothered. Besides, it rained in upon my bed. . . . In this manner did I lie all that long cold winter till the next Assize; in which time I was so starved with cold and rain that my body was greatly swelled and my limbs much benumbed."

At the Assizes in March, 1665, sentence of premunire was passed on George Fox and Margaret Fell, a sentence which involved forfeiture of estates and imprisonment during the King's pleasure. Six weeks later Fox was carried down the steps of the prison, for he was too weak to walk, and mounted on

horse-back he passed through the gateway. Again the Lancaster people gazed upon him who had suffered so long for conscience sake. Behind Fox followed Hunter, the gaoler, whose persecution of his prisoner only ceased when he had handed him over to the keeper of Scarborough Castle, where he was detained for more than two years.

Margaret Fell also complained, and with only too great reason, of the state of her prison in the Castle, but there she remained from September, 1664, until her release in the Summer of 1668.

At Bristol a year later, on the 18th October, George Fox married Margaret Fell. In November, Fox left on a mission through the country, and his wife on her return to Swarthmoor was again arrested by Colonel Kirby. "The Sheriff of Lancashire," she wrote, "sent his bailiff and pulled me out of my own house, and had me prisoner to Lancaster Castle (upon the old premunire), where I continued a whole year, and most of that time I was sick and weakly."

At length, in April, 1671, a discharge was obtained for her under the Great Seal, and the premunire was annulled.

In 1675 Fox again visited Lancaster. "I found the town full of people, for it was both fair time, and the train bands were met upon a general muster. Many Friends were also in town from several parts of the county, because the Quarterly Meeting was to be there next day. I stayed two nights and a day at Lancaster, and visited Friends both at their men's and women's meetings, which were very full, large, and peaceable, for the Lord's power was over all, and none meddled with us."

The evening of Fox's life was passed between Swarthmoor and London. In January, 1690, he preached for the last time at Gracechurch Street, but as he came out from the meeting he said he felt the cold strike to his heart. He returned to his house, and three days later he passed away in the sixty-seventh year of his age. Margaret Fox lived on at Swarthmoor, and died there in 1702 in the eighty-eighth year of her age.

In Lancaster their memory was long cherished. Probably Lancaster had been one of the earliest towns to erect a building in which Friends could meet. The lintel of the present building shews that the Meeting House was originally erected in 1677. In 1680 the Mayor ordered the Meeting House door to be locked and set a guard upon it, yet the Friends met in the lane before it. In 1693 a collection was ordered for its repair, and fifteen years later £29 was directed to be raised as the share of Lancaster Meeting for re-building the Meeting House.

Old William Stout, whose autobiography furnished such excellent pictures of Lancaster life in the late seventeenth and early eighteenth centuries, writes: "In the Spring of 1708 our Meeting House not being capable to entertain the General Meeting for the four northern counties, it was resolved to pull it down and build it nigh double to what it was, which was committed to Robert Lawson's and my care, and in the time of building, our Meeting was kept in my dwelling house. We got it built and finished in about six months, with floor, seats, galleries, and ceiling, to the general satisfaction of our friends in the County and others, the whole charge whereof was £180, which was thought moderate."

William Stout tells us that "many of the people called Quakers were committed to the County Gaol . . . so that there were mostly forty or fifty at a time prisoners on those accounts."

In 1661 no fewer than 270 Friends were imprisoned in Lancaster Castle for refusing to take the oath, and the early journals of the Society in Lancaster contain many a touching entry relating to the prisoners within the Castle walls.

Yet Lancaster was only one of the centres of punishment. There were 4,500 Quakers in prison in England and Wales at one time, and of these no fewer than 369 died in prison!

Amongst those who suffered fine and imprisonment was the John Lawson, to whose house, in St. Leonard Gate, Fox went on his first visit to Lancaster. Lawson was a successful merchant, and in 1654, for speaking in the Steeple House at Lancaster, he

was imprisoned till the Assizes, then fined £20, and for non-payment again sent to prison, where he continued for nearly a year.

In 1668 the Corporation removed him from the office of Bailiff of the Customs for refusing to take the oath.

Two relics of John Lawson remain. One is his house in St. Leonard Gate, now much altered and used as a Sunday School. The other is on the sunny side of Lancaster moor, where lies a small plot of land, given in 1660, as the deed of donation states, "for the burial place for the people of God, the children of light, such as lived and abode in the truth of God, and for no other purpose whatever." The breeze comes in to it straight from the sea, and the waving pine trees look down upon the massive stone, the raised letters of which tell us that "Here lieth the body of John Lawson, of Lancaster, who departed this life on the 18th day of September, in the 74th year of his age, anno domini 1689."

There, close above the town which alternately praised and scorned him, rest the ashes of one who ministered to George Fox and Margaret Fell in Lancaster Castle, who, having known what it was to be a prisoner for conscience sake, brought good cheer many a time and oft to the persecuted Friends within the prison walls.

THE FIFTEEN.

KING JAMES II had fled from the kingdom on the approach of his son-in-law, William of Orange, who, with his wife, became King and Queen of England. Mary died in 1694, her husband died in 1702, and Mary's sister, Anne, died in 1714. But during the occupancy of the throne by William, Mary, and Anne, the banished King was not idle. From England he had fled to France, where he was received by Louis XIV with every expression of respect. The first attempt in his favour was made in Scotland, and at the battle, fought in the romantic pass of Killiecrankie, the hopes of James, for success in that country, sank with the death of Graham of Claverhouse, Viscount Dundee.

The next attempt was made in Ireland, and the sword was carried from the place of landing at Cork to the extreme north coast at Derry. The city on Lough Foyle declared for King William, and then ensued that siege which became one of the most famous in history. After a siege lasting 105 days, and after the garrison had been reduced from 7,000 to 3,000, relief came, and the men who had held out were hailed as heroes on every side. In the following year came the battle of the Boyne, which decided the fate of James's cause in Ireland, and in which Walker, the brave defender of Derry, lost his life.

Year after year James intrigued, and the Jacobite party in England gradually increased. An active correspondence was kept up between the deposed Monarch and many of his supporters in Lancashire. One of James's messengers, named Lunt, crossed from Ireland, and was committed to Lancaster Castle on a charge of high treason. At his trial, the captain of the ship which brought him from Ireland, gave evidence as to the finding amongst papers, which Lunt had inadvertently left in the vessel,

various commissions from King James. Lunt was acquitted, and the Jacobites openly rejoiced at the verdict. But only a few months passed before Lunt turned traitor, and offered evidence against sundry gentlemen of Lancashire whom he alleged had received commissions from James II to levy troops, and who had engaged in plots to restore the banished King. Another witness named Taffe, however, instead of giving the evidence expected from him, testified that the pretended Lancashire plot was concocted between Lunt and himself to ruin certain gentlemen of Lancashire. The gentlemen were acquitted, and Lunt and two of his supporters were tried at Lancaster Assizes for perjury, and found guilty. They were afterwards indicted for conspiracy against the lives and property of the gentlemen they had accused, but the prosecution broke down, and the prisoners were discharged. Feeling on the subject, however, ran so high that Dodsworth, one of the Government witnesses, was murdered after the discovery he had made of the conspiracy, and Redman, another witness, shared his fate some days later.

In 1701 came the Act of Settlement. The succession to the Crown had been unprovided for after the death of William and Anne. The next in blood were the other children of James II. Then came the Duchess of Savoy, daughter of Henrietta, Duchess of Orleans, who was daughter of Charles I. Her descendant—Maria Theresa Henrietta Dorothea, wife of Prince Louis of Bavaria—is the heiress of the line of Stuart. But the Duchess of Orleans, being Catholic, was thereby debarred from succeeding to the throne of England. Resort was therefore made to an earlier generation. Elizabeth, sister of Charles I, had married the Elector Palatine of the Rhine, and her daughter Sophia and her heirs, being Protestants, were declared successors to the throne of England.

The Jacobites naturally were indignant at such a settlement of the succession, and plots and schemes for the restoration of James II, and after his death for the elevation of his son to the

throne, were constantly formed and discussed throughout the country. The health of the King was drunk often, and with enthusiasm ; but it was noticed, as the health was drunk, many of the glasses were passed over the water bowls, and thus the toast was given, not of the occupant of the throne, but of the King over the water. The ballad singers sang for the exiled Monarch, and the streets many a night echoed to the song of :—

“The man in the moon may wear out his shoon
By running after Charles’s Wain ;
But all to no end, for the times will not mend,
Till the King enjoys his own again.”

Particularly was the Jacobite cause popular with the gentler sex. One old Scotch lady vowed she would drink the health of James the Third of England and Eighth of Scotland in the presence of a number of stout Hanoverians, and, being strongly dissuaded from such a dangerous course, she rose and replied with a text of scripture and the reference to it, “The tongue no man can tame—James III and VIII,” and drank off her glass.

Then came the death of Queen Anne in 1714, and her successor, George I, issued a declaration, which gave great offence in many quarters, especially in Lancashire, where the excitement rose to fever heat. In Manchester a mob was organised, under the leadership of a mob colonel, whose name has not come down to us, and of a mob captain, the well-known Tom Syddall. This mob pulled down the Presbyterian Meeting Houses in many places, but was ultimately dispersed by the military, and its leaders sent to Lancaster. There, at the August Assizes in 1715, the mob colonel and captain were tried, and sentenced to imprisonment and the pillory. “I was at Lancaster,” writes Peter Clark, one of the historians of “The Fifteen,” “and saw them stand in the pillory there, which was on a Saturday, being the market day there, about a week after the said Assizes, but no person was allowed to fling anything at them.”

In other parts of England the excitement led to the formation of a conspiracy, the object of which was to promote the claims

of James the Third of England and Eighth of Scotland. The headquarters of this conspiracy were in London, and from London a correspondence was carried on with leading Jacobites in various parts of the kingdom. In Northumberland an old soldier of James II, Colonel Oxburgh by name, was a principal leader, and he and a few others, disguised as tourists, spun the web of the plot over the northern counties. While Colonel Oxburgh and his friends were maturing their plans, the King, in July, 1715, announced from the throne that the threats of the Jacobites were about to be put into execution. Loyal addresses poured in from all parts of England. The Mayor and Corporation of Lancaster met, and forwarded to the King, by the hands of Colonel Braddyll, an address, in which they protested their loyalty to the throne and to the Hanoverian succession.

Meanwhile the Earl of Mar, who had been Secretary of State to Queen Anne, deceived by the protestations of leading Jacobites in London, repaired to his seat at Braemar. There he called together the Chieftains of the Clans, and urged them to strike a blow which would make the Scots once more a free people, and destroy for ever the hated union with the southern power. He maintained that thousands were ready to rise and depose the Hanoverian Prince and restore the banished family. Encouraged by the meeting, the Earl of Mar raised the standard of King James VIII and sent forth the fiery cross, telling of the penalty of fire and sword to those who dared to disregard the summons to the war.

At the same time the Northumbrian conspiracy was ripening. Its leaders were the Earl of Derwentwater, who held vast estates in Northumberland and Cumberland, and whose generous and charitable disposition had rendered him extremely popular; Lord Widdrington, another nobleman of ancient family in Northumberland, and well known for his hospitable character; Mr. Thomas Forster, the member for that county, and his chaplain, the Rev. Robert Patten. On the 6th of October, 1715, Mr. Forster collected his adherents, and joining the Earl of

Derwentwater and Lord Widdrington, marched to Alnwick, and thence by Hexham to Kelso. Here they were met by a detachment from the Earl of Mar's northern army, and after many of the Highlanders had declined to leave Scotland, they marched southward by Langholm and Brampton into England. The Sheriff of Cumberland being warned of their advance, gathered together the *posse comitatus*, to the number of several thousand, on Penrith Fell, to oppose their march ; but no sooner had the Jacobite force appeared within six miles of Penrith than the assemblage on Penrith Fell came to the conclusion that discretion was the better part of valour, and fled in confusion.

On the same day, the 2nd November, 1715, Lord Derwentwater with seventeen hundred men entered Penrith and occupied the castle and town. The next day they marched to Appleby, and on the 5th they arrived at Kendal. The following day saw them at Kirkby Lonsdale, where Squire Carus, of Halton Hall, joined them with two of his sons. From these gentlemen Mr. Forster, who had been appointed Commander-in-Chief of the Jacobite army, learned what reception he was likely to meet with at Lancaster. The majority of the inhabitants of the county town were anxious to be on the side of the stronger. But the difficulty was to know which side was likely to be the stronger. There were, indeed, a few of the townspeople who were zealous supporters of the Hanoverian cause. But outside the town all the leading families were equally zealous supporters of James III.

Some six or seven miles to the north stood Leighton Hall, the old home of the Middleton family. The last male heir of the Middletons had fought for Charles I, and had received the honours of knighthood and a baronetcy from that monarch. The titles, however, died with him, and the estates descended through his daughter to his granddaughter, who married Albert Hodgson, a staunch Jacobite. When, therefore, the tidings reached Leighton of the advance of the forces of James III, he came down to Lancaster to meet them.

Only a mile or two from Leighton was Borwick Hall, the old home of the Bindloss family. Here, too, the last male representative, Sir Robert Bindloss, Mayor of Lancaster, in 1665, had been knighted and received a baronetcy for his services to the Royalist cause, and had entertained the young King at Borwick when he passed southward to fight for his crown. The panelled walls of Borwick listened to the words of many an anxious conference as to the chances of success for Charles II—chances blown to the winds a few weeks later at Worcester fight. Sir Robert being the last male of his line, Borwick Hall passed with his daughter on her marriage to Ralph Standish, of Standish, near Wigan, an earnest supporter of the Jacobite cause. He, too, like his neighbour of Leighton, heard of the advance of the Northern forces, and joined them at Preston in the early days of November, 1715.

A few miles south of Lancaster stand the towers of Ashton Hall, the seat of the Gerrards, the last of whom had conveyed the estates on her marriage to the Duke of Hamilton. The Duke was looked upon as a leader in the Jacobite cause, and had he lived to see the forces of James III advance upon Lancaster, the result might have been different indeed. But readers of Thackeray's "Esmond" will remember the pathetic account contained in that work of the duel which took place in Hyde Park early one November morning in the year 1712. Political trouble had given rise to a hostile meeting between the Duke of Hamilton and Lord Mohun. Both fought furiously. The Duke's weapon passed through his adversary up to the hilt. The latter shortened his sword and plunged it into the Duke's breast. The Duke's second caught him in his arms, but at that moment Colonel Macartney, Lord Mohun's second, came behind the Duke's second, and reaching over his shoulder stabbed the Duke to the heart. The owner of Ashton Hall was carried home—Dean Swift tells us—"in his Coach by eight o'clock, while the poor Duchess was asleep. I am infinitely concerned for the poor Duke, who was an honest good natured man."

Ashton Hall was, therefore, at this critical juncture deprived of its head, and the Jacobites roundly asserted that the Duke's death was the direct consequence of his adherence to the cause of the exiled King.

A mile or two farther from Lancaster was Thurnham Hall, the seat of the Daltons, a family who had risen upon the ruins of the monasteries, and who were amongst the largest land-owners in North Lancashire. They owned the whole of the township of Bulk, the Friarage lands in Lancaster, the hall and lands of Aldcliffe, the estates of Thurnham, and the broad acres which had belonged to the monastery of Cockersand. The Dalton family, like most of the country gentry round Lancaster, had supported the Royalist cause in the Civil War. On an Autumn morning, in 1642, the young lord of Thurnham had ridden forth with a troop of horse, raised and armed at his own expense, and making his way south had fought and died for his King at the second battle of Newbury. His estates passed to his great grandson, John Dalton, who, in his turn, supported the Jacobite cause, and in 1715 went out from Thurnham to meet the army of James III.

The Aldcliffe estates, however, had passed to the daughters of the Thomas Dalton who fell at Newbury, and their long tenure of Aldcliffe during times of sore persecution has invested the old hall of Aldcliffe with romantic interest. They were staunch Catholics at a time when the exercise of the services of that religion was to a great extent prohibited. Many a fugitive from the penal laws found refuge within their walls, and from their windows they looked out on the grey towers of Lancaster Castle where so many of their co-religionists were imprisoned and died for their adherence to their creed. At Aldcliffe the sisters erected that stone now removed to Thurnham, on which they inscribed their proud boast—Catholic virgins are we who scorn to change with the times. One after another the sisters died, but their fame lived after them, and their old home was long known as "The Catholic Virgins."



Turn to the diary of that impecunious Jacobite, Thomas Tyldesley, who, in the latter years of his life, resided at Lancaster. He was the grandson of Sir Thomas Tyldesley who joined in the siege of Lancaster in 1643. The later Tyldesley lived and moved in the thick of the plots to restore James III, and his diary, written while he lived in Church Street, gives an admirable picture of his life in Lancaster just before "The Fifteen."

"Went with Mrs. to Booke to prayers," he records on the 25th of March, 1712. For Tyldesley was a firm Catholic, and was in the habit of attending the ministrations of the priests at that curious old farmhouse still standing at Dolphinlee in the township of Bulk, and still bearing over its doorway the text from the Douai version—"Redeeme thy sinnes by alms deeds and mercie towards the poore." Later he writes, "Met Brother Dalton and Frost at the King's Arms' where I dined; spent 1/-; thence to the Marsh Gate, paid £1 5s. for 2 Marsh Gattes and paid 5/- for ye Marsh-keeper's use." Again on an August morning, "Went in order to meet ye hounds about Sellery where Brother ffrost's grayhounds killed a snell which we tuke to ye Cockes (at Conder Green) and were very merry over a part of him."

Again in September—"Took Aggy behind me to Aldcliffe to prayers."

A month later—"Went early a hunting to Ellel More; met Dalton and Frost with Will: Hoghton. Dalton paid 6d. at Gaugath and I three pence; we came to Lancaster, paid 6d. at King's Armes pro dinner and spent 1s. with company."

In October the Diarist went to prayers at Bowers Hall, near Nateby, and records that "the priest did not pray for our Master," alluding doubtless to James III. Two days later the Diarist went there to prayers again, and this time he records that the priest was loyal to the absent King.

In December—"Went to Thurnham to poor Will: Hoghton's funeral, where most of ye neighbouring gentlemen was. We carried him to the Abbey." William Hoghton was the younger

brother of the owner of Thurnham, and was interred at the little octagonal Chapter House of the once flourishing Abbey of Cockersand—a Chapter House which, if only for the curious vaulting of its roof, is worthy to be classed as one of those ancient monuments for whose safety the Government of the country ought to be directly responsible.

Again on New Year's Day, 1713, the Diarist "went with Mrs. to Thurnham to prayers." And in February of the same year—"Mrs. and two girls went a ffoot to Aldcliffe, it being St. Matthew's Day." So in March—"Doctor Harden here and dined with us, as did Cousin Carus's three daughters. I walked down to ye stables with helpe. Cousin Tom Carus and his lady sup'd with us on whilkes in the shell."

And so throughout the diary, which covers a period of about three years, we find the writer going to the Marsh hunting; riding with Brother Dalton, of Thurnham, hunting on Ellel Moor; making constant visits to Aldcliffe to attend the ministrations of the priests there; dining with the widowed Duchess of Hamilton at Ashton; conferring with one representative after another of the local Catholic families, the business never recorded, but evidently relating to him whom the Diarist calls "our Master"; going on Christmas Eve to Aldcliffe again, where, he says, "Doctor Harden preached gloriously"; then protesting against the disloyalty of sundry priests who neglected to pray for James III. Anon we find him attending cock fights in the Fylde, and afterwards keeping it up at Thurnham until he could ride home by daylight on the following morning, and lastly seeing his wife and two daughters start to witness the launch of a ship in the River Lune. The diary brings before us very vividly the everyday life of a Lancaster Jacobite just before "The Fifteen," his troubles, his journeys, his intercourse with people of the country and in the town, his frequent visits to the King's Arms and the Sun and the Cocks at Conder Green—in fact the record of an easy-going life in a country town enlivened by a spice of treason. Unfortunately for us the diary ceases in

November, 1714, and the Diarist himself died early in the following year, leaving his son to join the Jacobite army on its advance towards Lancaster.

When, therefore, the news of that advance came from the North, there were many consultations between the owners of Thurnham and of Halton, of Leighton and of Borwick, and their adherents, as to the welcome to be given to the forces of James III on their arrival at the county town. But, on the other hand, the supporters of the Hanoverian succession were not idle. Sir Henry Hoghton, of Hoghton Tower, near Preston, was in command of the forces in North Lancashire, and he collected some five or six hundred militia in the town of Lancaster. To him came Colonel Charteris, of Hornby Castle, and, with the assistance of the leading inhabitants, a Council of War was held. The chief object of their concern was a certain vessel of some five hundred tons burthen, which belonged to Mr. Lawson, a Quaker merchant of Lancaster. This ship lay in the Lune off Sunderland, and on board her were six pieces of cannon and some small arms. Sir Henry endeavoured to purchase these weapons, but Mr. Lawson refused to sell unless he received a bond in the sum of £10,000 to cover him against any damage that might be sustained by the ship in case the Jacobites heard that its owner had parted with the cannon for use against them. Sir Henry declined to give the bond, but after another Council of War he and Colonel Charteris and another magistrate issued a warrant and seized the arms and cargo. The dragoons which Sir Henry expected from Preston did not arrive, and he was consequently unable to defend the town. He, therefore, abandoned the guns, and with his force of militia retired to Preston. Before leaving he ordered Mr. Lawson to cause his ship to be moored out of reach of the Jacobites—an order which Mr. Lawson does not seem to have obeyed. Meanwhile, Colonel Charteris and another officer urged that the bridge should be blown up to prevent the Jacobite army entering the town. The work of demolition commenced by the removal of

portions of the pavement on the north side. It was, however, pointed out that the river could easily be forded at low water a little lower down. No further attempt was made to destroy the bridge, and Colonel Charteris departed.

But while he was busy at Lancaster the Jacobites were calling on him at Hornby Castle. Their leaders well knew the reputation of Francis Charteris, and, indeed, few in the early years of the eighteenth century were ignorant of the misdeeds of the owner of Hornby Castle. He had served under the famous Duke of Marlborough in the Low Countries, and, being found cheating at cards, was tried by Court Martial and dismissed from the service with every mark of ignominy and disgrace. Riding away from Brussels, he determined to raise money in another way. He threw away a portion of his clothing, and then buttoning his long cloak about him, went to the principal hotel in the picturesque old town of Mechlin for the night. Being treated with the respect accorded to an officer of a conquering army, he was shown to his room. Early next morning he roused the house and declared that his clothes had been stolen, and that with them had been taken a watch, a ring, notes and gold of great value. In vain did the unfortunate proprietor of the hostelry protest his innocence. Charteris threatened to bring him before the British Commander. Eventually the landlord borrowed a sum of money from a neighbouring convent, which Charteris accepted, and agreed to say no more about the matter. He returned to Scotland before his disgrace was publicly known, and again obtaining a commission, became Colonel of a Regiment of Horse. In Edinburgh he resorted to card playing, and at a party given at the house of the Duchess of Queensbury he contrived to place the Duchess in front of a large glass, in which he could see reflected all the cards she held. By this knavery he won £3,000. Then his disgrace in the Low Countries began to be talked of, and the Colonel removed to London, where by money-lending he amassed a large fortune, and in 1713 bought Hornby Castle and

its estates for the sum of £14,500. Yet, in the height of his prosperity, he is recorded to have expressed himself ready to pay £10,000 in exchange for a good character. So universally was he detested by the Scots that the leaders of the Jacobite army did not think it prudent to allow any of the Highlanders to visit Hornby. A small party of English soldiers under the command of the brave Colonel Oxburgh, entered the castle to obtain provisions. Having taken some wine and beer, with some provender for their horses, Colonel Oxburgh and his party left the castle untouched. Yet Charteris had the assurance to send to Colonel Oxburgh a bill for £3 6s. 8d. for the entertainment afforded at Hornby Castle for man and horse. Colonel Oxburgh proved equal to the emergency. He replied by giving Colonel Charteris his note of hand for the amount payable when his master's concerns were settled.

From Hornby the Jacobite forces moved on to Lancaster, and on Monday, the seventh day of November, 1715, they entered the county town with swords drawn, drums beating, and banners flying, and the bagpipes shrieking out wild notes of triumph. Passing up Bridge Lane and through China Lane, they proceeded to the Market Square, where, as we have seen, they proclaimed King James III as the lawful Sovereign of these realms. Immediately the proclamation was completed, General Forster ordered into custody one Christopher Hopkins, who kept a stationer's shop in Lancaster, and who had been detected numbering the Jacobite army. The arrest, however, was not made before Hopkins had time to communicate to his friend, Ralph Farebrother, the total of the numbers, and with this information the friend sped towards Newcastle to convey it to the Hanoverian General. The Jacobite forces dispersed to their billets in various parts of the town, and the officers took up their quarters in the best houses they could find.

Then followed the reception of the Jacobite gentry from the country round. First came Albert Hodgson from Leighton Hall with his men, and he received a commission as captain in

the Jacobite army. Close behind him was John Dalton of Thurnham Hall, Edward Tyldesley, the son of the Diarist, Richard Butler of Rawcliffe, and one of the Waltons of Cartmel. All were made welcome, and each received a captain's commission. Two inhabitants of Lancaster also came forward, one a joiner, and the other named Edward Gartside, a barber, and both were made quartermasters.

Later in the afternoon the Jacobite general was sitting at dinner with his chaplain when a commotion was heard in the hall. The door of the room was thrown open, and a gentleman attired in a blue coat with a long wig on his head and a sword by his side rushed in. With eager voice he proclaimed himself to be the Rev. William Paul, formerly scholar of St. John's College, Cambridge, and stated that he had come from the midland counties to tender his sword in aid of King James. His services and those of the companion who followed him more quietly, were accepted, and after a lengthened conference the two new recruits departed to their quarters.

On Monday evening a small body of Jacobite troops called upon the various innkeepers of the town, and received what excise was due from them. While they were occupied in this work their leaders were engaged in consultation as to whether the prisoners in the Castle should be set at liberty. Eventually it was decided to release only those on the Crown side of the prison, leaving the unfortunate debtors to languish in durance vile. Amongst those released were the colonel and captain of the Manchester mob, who for riot had stood in the pillory in Lancaster Market Place a few months before. These notables at once enlisted themselves with General Forster, retaining their titles of colonel and captain.

Another party of six Highlanders were appointed to search for arms, and taking with them Master Parkinson, the then Mayor of the Borough, they went from house to house demanding arms, but obtaining few. A small quantity of new arms were taken from the Custom House, and a few guns were found at

the Vicarage, but, to the disappointment of the Jacobites, little or no powder. The only man—by name Samuel Satterthwaite—who possessed any quantity, had, by the advice of Colonel Charteris, emptied his powder barrels into—of all places to select—the town well.

The following morning, Tuesday, the 8th of November, saw a crowd of Lancaster people gazing curiously at a proclamation fixed to the Market Cross, offering a reward of £30 for any person who could take Ralph Farebrother, who was gone post haste with Christopher Hopkins' account of the numbers of the Jacobite force to General Carpenter at Newcastle. In the course of the morning Jacobite commissioners proceeded to examine the books at the Custom House, but nothing was found to be due to the Crown save a quantity of brandy which had been seized from some Isle of Man smugglers a few days before. The brandy was given to the Highlanders, and a little claret, afterwards discovered, went to the officers.

About the same time a detachment was sent to Sunderland, and returned in triumph with the six guns from the vessel there. These were mounted upon new carriages, the wheels of which had belonged to Sir Henry Hoghton's coaches. The gunsmiths were set to work to clean guns and pistols, and the chronicler takes care to record that they received pay for their work.

At ten o'clock in the morning the little Sanctus bell at the east end of the south aisle of St. Mary's Church rang vigorously, and the Lancaster people trooped into the old Parish Church. Those who were there early saw a certain Mr. Ginn hard at work, carefully and skilfully erasing the name of George I from the prayer for the King, and substituting that of King James, and in the prayer for the Royal Family substituting the name of the King's mother. "The said words," says our chronicler, "are writ with such a nicety that many take them to have been printed."

The Vicar of Lancaster had been requested to conduct the service, but according to the Rev. Robert Patten, who knew him

well, "It seems that he was not so averse to it any more than some of his brethren, but he wanted to see how the scales would turn before he would think of venturing so far." Accordingly the service was read by the Rev. William Paul, and the crowded congregation, gay with the uniforms of the soldiers, and with the high colours worn by the many ladies present, prayed or seemed to pray with fervour for His Sacred Majesty, King James III.

In the afternoon occurred perhaps the brightest episode which the Jacobite officers experienced during their whole campaign. In the words of the chronicler, "This afternoon the gentlemen soldiers dressed and trimmed themselves up in their best cloathes for to drink a drop of tea with the ladys of this towne. The ladys also here apeared in their best riging and had their tea tables richly furnished for to entertain their new suitors."

The evening was occupied in different wise—the fact is very briefly chronicled—"a discourse about religion happened between the Vicar of this towne and two Romish priests."

Lastly, the chronicler sums up—"that during the continuance of the Jacobite forces in this towne no inhabitant received any bodily damage. The gentlemen paid their reckonings here but were very sorrowful to part with their new loves. The commonalty paid little or nothing."

Such is the record of "The Fifteen," so far as it relates to Lancaster, as recorded by one Peter Clarke, whose diary was published by the Chetham Society some years ago, and as recorded by that "Reverend knave," as he had been termed, the Chaplain of the force, Mr. Robert Patten. There is one more authority on the subject—our old friend William Stout, whose autobiography extends from 1679 to 1743. Unfortunately, however, his record of "The Fifteen" is meagre in the extreme. "It was," he writes, "a time of trial and fear that the Scots and Northern Rebels would have plundered us, but they were civil and to most paid for what they had; but I had five of the Macintosh officers quartered on me two days, but took nothing of them."

In the departure from Lancaster the Jacobite leaders made their final mistake—a mistake which was the proximate cause of the ruin so soon to overtake them. Lancaster ought to have been made the stronghold of the army. With its castle as a centre, with its river affording means of communication with the sea, with the sympathy of the surrounding district, if not of the town itself, they could have made Lancaster an admirable headquarters for the cause of King James. This was the opinion of some of them at the time. The Chaplain of the force writes:—"While we were in this town our number increased considerably, and had we staid here or kept a garrison here they would have continued to do so. Lancaster is a town of very good trade, and which had they thought fit to have held it might easily have been made strong enough to have made a stand for them, but our mistakes were not yet over."

On the morning of Wednesday, the 9th of November, 1715, the Jacobite army marched up Penny Street, and took the road for the south. The six guns taken from Mr. Lawson's ship at Sunderland accompanied them, as did also what was left of the brandy seized at the Custom House. For two miles they compelled the Lancaster stationer, Christopher Hopkins, to march with them, but when they were well on the Galgate road he was allowed to depart. The horse pushed on to Preston; the foot spent the night at Garstang (where they were joined by Mr. Moncaster, a local attorney), and proceeded to Preston the following day. Here they were joined by many of the surrounding gentry, amongst others by Ralph Standish of Borwick Hall. Meanwhile, however, General Carpenter had set out with his forces from Newcastle, passed through Barnard Castle, and followed the Jacobite army towards the south. At Chester, also, there was a considerable force under General Wills, and this force had marched northwards, and on the 10th of November arrived at Wigan. Tidings of the arrival of the Government forces at Wigan were carried to Preston. Yet the Jacobite General took no step to protect his army, and it is difficult to

account for the fatal lethargy which seems to have seized on the forces of James III. Only one chronicler—the same writer whose diary at Lancaster has been so often quoted—gives anything like a reason—"The ladys in this town (of Preston)," he writes, "are so very beautifull and so richly attired that the gentlemen soldiers from Wednesday to Saturday minded nothing but courting and feasting."

On the Saturday morning they received a rude awakening. The vanguard of General Wills was seen approaching in the direction of Walton-le-dale. The military experience of Brigadier Macintosh was at once called in. He advised that the Jacobites should draw the enemy into the streets of the town, where from behind barricades and from the houses a destructive fire could be poured down upon the Government troops, while the Jacobites themselves would be under shelter. The advice was adopted, and when General Wills advanced he found the bridge abandoned and four barriers erected in the streets—one below the Church, another at the end of a lane leading to the fields, a third on the Lancaster road, a fourth in Fishergate. The first attack was made on the church barrier, which was defended by Brigadier Macintosh, the Earl of Derwentwater, Viscount Kenmure, and the Earls of Wintoun and Nithsdale. A terrible fire was poured on the assailants. Two of the ship's guns brought from Lancaster were placed under the control of a seaman. Tradition avers that, owing to the absorption of strong waters by the seaman, his first shot only hit the top of a chimney some distance away. The next shot, however, did such execution as to cause the assailants to halt and eventually to retire, leaving many of their number dead and wounded behind them. The other three barriers were also successfully defended, and on the approach of night the Government forces fell back. "That night," says one of the Jacobite officers, "both armies lay upon their arms, but General Forster went to bed." On the following morning fortune changed. General Carpenter and his forces from the north arrived, and the blockade of the town was rendered far more

complete than it had been before. When the Highlanders found they were surrounded, they were for sallying out sword in hand. Forster, however, sent Colonel Oxburgh to ascertain what terms could be obtained if his force surrendered. "I will not treat with rebels," was the stern reply. "They have killed several of the King's subjects, and they must expect the same fate." Eventually, after lengthy negotiations, General Wills stated that if the Jacobites laid down their arms and surrendered at discretion, he would prevent his soldiers cutting them to pieces, and give them their lives, until he received further orders. The Scotch leaders began to suspect that negotiations were going on, and they were most indignant. The Highlanders declared they would die fighting, and the whole Jacobite army was thrown into confusion. So great was the confusion, so entirely were they without any real guiding spirit, that on the following morning General Forster accepted the terms offered to him, and agreed to surrender at discretion. General Carpenter entered the town, and in the old Market Place, where their arrival had excited so much enthusiasm, the Jacobite army gave up their arms. The officers were placed under guard in the various inns; the men were marched off to the Church. The same fatal day—the 13th of November, 1715—saw the indecisive battle of Sheriffmuir, between the forces of the Earl of Mar and those of the Duke of Argyll, and from that day "The Fifteen" was practically over. The burial of the slain—of whom by far the greater number were Government soldiers—occupied some days. But during those few days several Jacobites contrived to escape. Mr. Walton, of Cartmel, who had joined at Lancaster, the barber of Lancaster—Gartside by name,—and the mob colonel and mob captain, who had been liberated from Lancaster Castle, escaped, but the two last were re-taken the following day.

The mass of the prisoners were distributed between the gaols of Lancaster, Chester, and Liverpool. About four hundred of them—William Stout tells us—were brought to Lancaster Castle, and a regiment of dragoons quartered in the town to guard them.

"The King allowed them 4*d.* a day for maintenance, viz., 2*d.* in bread, 1*d.* in cheese, and 1*d.* in small beer, and they laid in straw in the stables most of them, and in a month's time about 100 of them were conveyed to Liverpool to be tried, and about 200 of them continued about a year, and about 50 of them died, and the rest were transported to America." Truly a plain narrative of fact. The details are left to be filled in—the degradation and misery of the four hundred prisoners crammed into those castle stables, their wretchedly insufficient allowance of fourpence a day, their bed of what straw they could get, none knowing from day to day whether he might not be tried for his life, the transportation of half the number to endure the fever heats of the West Indies, the deaths occurring week after week—under these circumstances is it to be wondered at that one man in every eight who entered that castle never lived to come out?

Of the prisoners sent to Liverpool, seventy-four were tried between the 20th January and the 9th of February, 1716, and the only details of their names are to be gathered from the accounts of the common hangman. Mr. Roger Moncaster, the attorney, who joined at Garstang, was executed at Preston on the 28th January with three others. Four days earlier, Edward Sykes, of Nether Wyresdale, was tried and acquitted, but John Oard, of Lancaster, tried the same day, was executed at Preston on the 9th of February. Nine days later, four Jacobites were executed at Lancaster, by name, Hercules Durham, Donald Robertson, John or Robert Crow, of Aberdeen, famous as a mathematician, and one of the Macintosh Clan. The execution was accompanied with all the horrible adjuncts of death for high treason, and four heads looked down from the castle gateway to remind the Lancaster people of the brief bright days when the inhabitants of the county town had so effusively welcomed the forces of King James III. Another man, who from the leads of the castle had watched the Jacobite forces entering the town, Tom Syddall, the Manchester mob captain, was executed at Manchester, and his head placed on the cross.

The hangman's bill simply records: "February 16th and 18th, charge at Garstang and Lancaster on executing four at either place, £22 os. 8d."

The officers of the Jacobite force were sent from Preston to London—amongst them being General Forster, the Earl of Derwentwater, the Reverend Robert Patten, Ralph Standish, of Borwick, Albert Hodgson, of Leighton, John Tyldesley, son of the Diarist, Richard Butler, of Rawcliffe, and John Dalton, of Thurnham. On the 9th of December they arrived at Barnet, and the road from Highgate was crowded with spectators howling, "No Pretender," "Long live King George."

The General's Chaplain rode alongside the General, and the Londoners gazed with much curiosity on the clergyman, who, in season and out of season, had quoted scripture in support of the Jacobite cause. When in Newgate, however, he found food for reflection. "Great many scruples,"—he says—"offered themselves to my consideration, in consequence of which I made it my request to Lord Townshend that he would be pleased to allow a Clergyman to converse with me. The request was granted, and his learning and solid reasoning prevailed upon me. From thence I began to think it incumbent on me to make all the reparation I could for the injury I had done for Government, and as the first thing in that way I became an evidence for the King, which I am far from being ashamed of, let what calumnies will follow." Whatever hypocritical gloss the Rev. Robert Patten may try to place upon his conduct in turning King's evidence, his name in connection with "The Fifteen" will be loaded with infamy to the end of time. His confessions led to seven of the Lords who had joined the rising being tried for high treason. Of these the Earl of Derwentwater, Viscount Kenmure, and the Earl of Nithsdale, received sentence of death. Lords Widdrington, Carnwath, and Nairn, were also sentenced, but afterwards reprieved, and the Earl of Wintoun escaped from the Tower. The Countess of Derwentwater came from her northern home to ask for her

husband's life. She was presented to the King, "and prayed for the life of her husband with passionate earnestness. The King listened civilly, and quite as civilly dismissed her in tears and despair."

The evening before the execution, Lady Nithsdale contrived to effect the escape of her husband, dressed in clothes which she had conveyed into the Tower. The following morning Lord Derwentwater ascended the scaffold on Tower Hill, and at a single stroke the headsman severed his head from his body. A few minutes later Lord Kenmure—"the bravest Lord that Galway ever saw"—prayed audibly for King James, and suffered in his cause. And that night the Londoners saw in the northern sky those brilliant lights, which, in the neighbourhood of his home, are still known as Lord Derwentwater's Lights—

"Those fearful lights that never beckon,
Save when Kings or heroes die."

The 18th of April was fixed for the trial of the General of the Jacobite forces, but a week before all the white cockades in London were shouting "Tom Forster is off and away." His servant had found means to obtain an impression of the Governor of Newgate's master key, and a duplicate key was made and conveyed to Forster. The Governor loved wine, and Forster invited him to dine with him. One night the Governor got more drunk than usual, finished the wine and roared for more. Forster bade the servant bring another bottle, the servant was long, and Forster went to see what delayed him. On going he locked the Governor into the room, walked out of the prison, and escaped to France. Trial, however, followed trial. Colonel Oxburgh—he who had visited Hornby Castle, he who had shown himself many times to be the bravest of the brave—was tried. The Rev. Robert Patten, who was with him at Lancaster, gave evidence against him. The Colonel died declaring his allegiance to King James, and his head was fixed upon Temple Bar.

On the 15th of May came the trial of Edward Tyldesley, the son of the Lancaster Diarist. The evidence showed that there was a Tyldesley troop, that he was seen marching with his

sword drawn, and that he dined with the Jacobite officers at Preston, and drank the health of James III. For the prisoner, Sir George Warrender swore he was an inoffensive person, not given to speak against King George. Tyldesley's housekeeper deposed that he was carried away from his residence by the Jacobites, and evidence was given to show that arrangements had been made for his escape from the Jacobite army. This evidence elicited the observation from the Judge that doubtless many Jacobites would be ready to take that course when the fall of Preston seemed imminent. The Judge summed up strongly against the prisoner, but the jury promptly acquitted him. The Jacobites in Court shouted. The Judge protested that, notwithstanding, men who had followed Tyldesley into the war had been hanged, yet he, their leader, was allowed to escape. The jury was therefore ignominiously discharged.

Another trial was followed with interest, and the Court was crowded with ladies. John Dalton, of Thurnham, was tried for rebellion. He pleaded that he was forced into the Jacobite army, and the Vicar of Cockerham came to testify that he had never heard Mr. Dalton speak against the Government. Further, he stated that he had once heard Mr. Dalton utter some scruples as to the Catholic religion. At once the Judge asked why he, as a clergyman of the Church of England, had not endeavoured to confirm those scruples. To this the clergyman replied that he had made some essay that way, but had found Mr. Dalton had changed his mind on those questions. The witness further added that Mr. Dalton was a peaceable Catholic, and that he had heard him on several occasions drink the health of George I. The evidence was, however, too strong against him, and he was found guilty. Mr. Dalton then craved pardon from His Majesty, and desired the Court to interfere for the exercise of the Royal clemency. The Lord Chief Justice gave him few hopes, and expressed his regret that he had not better reasons than the present case afforded for recommending the interposition of the King's mercy.

The Rev. William Paul, who, in blue coat and scarlet vest had joined the Jacobites at Lancaster, was also condemned to death, and died on the scaffold in cassock and gown, with a bravery surpassed by none of his fellows, and wishing that he had quarters enough to send to every part of the kingdom, in order that it might be testified that a clergyman of the Church of England had been martyred for being loyal to his King.

Richard Butler, of Rawcliffe, died in prison. Albert Hodgson, of Leighton, and Ralph Standish, of Borwick, were sentenced to death, but afterwards reprieved. They, with John Dalton, of Thurnham, languished for a long time in the unhealthy cells of Newgate, but eventually obtained release on payment of enormous fines. John Dalton walked all the way from London to his Lancashire home, only to find it almost deserted, and his wife engaged in the woods behind Thurnham Hall gathering sticks to light her fire !

The scene shifts again to Lancaster six months later. The King had gone to Hanover, and in his absence a tragedy was enacted at Lancaster which defies any explanation whatever, except that it was perpetrated by the Ministry unknown to His Majesty, and while George, Prince of Wales, renowned for his implacable disposition in 1745, was "guardian of the Kingdom of Great Britain and His Majesty's Lieutenant in the same."

Few particulars have come down to us. The day is the 2nd of October, 1716, nearly a year after the suppression of the rising. The streets of Lancaster are crowded with all sorts and conditions of men and women. The throng standing in front of the castle gate gaze across the town to where the black form of the gallows on the moor stands out against the sky. The castle gates open, and from under the frowning gateway comes the procession. Five men are going to their death. Bound on hurdles drawn by stout horses, they pass along the narrow streets and through the gate on to Lancaster moor. They are ranged in order in a cart beneath the Gallows Tree, and below them gather the crowd of high and low degree, their friends and

their hosts of a few months before. Four of the five are engaged in their devotions, the remaining one, Captain John Bruce, raises his head and gazes on the throng before him.

"I am not ashamed"—and the crowd listen in silence to the voice which comes to them from beneath the shadow of death—"I am not ashamed for the cause for which I die, but rejoice that I am worthy to be a sacrifice in the vindication of the undoubted right of my Lawful and Natural Liege Lord King James III, and the expiring liberties of my dear Country.

"I am now grown in years, and not much short of what the Royal Psalmist calls the age of man, and have known many struggles in order to preserve the Constitution and sinking liberty of the people, and several Turns and Changes that have ensued.

"I beseech all whom I have anywise offended to forgive me, as I from the bottom of my heart do all who I have anywise injured, and particularly those who were concerned in my prosecution, or in anywise instrumental in promoting my Death. God forgive them as I freely do."

Then lifting his face to the mountains across the bay, seeming to gaze beyond those mountains towards the distant valley from which he came, gazing perhaps even farther—beyond the boundary of time into that eternity which he and his fellows enter a moment later—his voice rings out clear as if in victory:—

"I have finished a long course. I have adhered without wavering to my King, the Lord's Anointed, his cause for and in which I die, and I hope this day to be with my Saviour translated thither to rejoice with other loyal sufferers and all the Saints and Angels for evermore."

THE FORTY-FIVE.

ON an August morning in the year 1745, there landed in Loch-na-nuagh, a little south of Arisaig, seven men and their leader. That leader was Charles Edward Louis Philip Casimir, grandson of James II. He was then twenty-five years of age, tall and well-formed, his limbs athletic and active, his face strikingly handsome, of a perfect oval and a fair complexion, his eyes light blue, his features high and noble. In his most familiar kindness he was shielded by a royal dignity, he had a peculiar talent to please and to persuade, he excelled in all manly exercises, and was inured to every kind of toil.

His first step on landing was to send letters to the Highland Chiefs, principal among whom was Cameron of Lochiel. Lochiel obeyed the summons, but came prepared to urge that the rash project to win back the crown for the son of James II should be abandoned. For a long time he pressed his objections, until at length the young leader of the adventurers made a final appeal:—"I have come hither," he exclaimed, "with my mind unalterably made up; be the issue what it will, I shall, in a few days, raise the Royal Standard, and proclaim to the people of Britain that I, Charles Stuart, have come to claim the crown of my ancestors or perish in the attempt. Lochiel, who, my father has often told me, was our firmest friend, may stay at home, and learn from the newspapers the fate of his Prince." Stung by the taunt, Lochiel replied, "Not so. I will share the fate of my Prince whatever it be, and so shall every man over whom nature or fortune has given me power." Such was the momentous conversation which led to the rising of "The Forty-five," for it is admitted that had Lochiel remained firm to his first resolve that rising would not have taken place.

Messengers went forth to summon the clans. Many of the chiefs came or sent with offers of service, and every preparation was made for the raising of the Royal Standard. The point chosen for this purpose was the desolate Vale of Glenfinnan, midway between Fort William and Arisaig. From the rising ground, not far from the road, on that August morning, Charles looked anxiously along the valley for the army which was to place his father on the throne of his ancestors. Loch Shiel looked dark and stern as ever, the golden eagle soared high above its black waters, along the road could be seen the heaps of stone which mark the spots where the mourners rested their dead on their way to their last home on earth. But no sign of the gathering clans was there. For two weary and anxious hours Charles waited, until at length the shrill sound of the bagpipes was heard, and Lochiel with his clan came round the hill, descended into the valley, and saluted the Prince. Clan after clan followed, and then the aged Marquis of Tullibardine unfurled the Royal banner, and as its red folds fluttered in the wind the air was rent with the cry of battle, and the bonnets tossed on high seemed like a cloud before the sun. Many a Jacobite afterwards looked back with mingled feelings to the day—

“When in deep Glenfinnan’s valley
Thousands on their bended knees
Saw, once more that stately ensign
Waving in the northern breeze!
When the noble Tullibardine
Stood beneath its weltering fold,
With the ruddy lion ramping
In its shield of tressured gold!
When the mighty heart of Scotland,
All too big to slumber more,
Burst with wrath and exultation,
Like a huge volcano’s roar!”

Such was the commencement of “The Forty-five.” To trace the events which led to this last rising on behalf of the Stuart line, it is necessary to look back some years.

Ever since James II had fled from England at the approach of his son-in-law, William of Orange, there had been constant

plots for his restoration to the throne of England, or for the elevation of his son, the so called Old Pretender, as James III.

The first open insurrection was that which died with the Viscount Dundee in the Pass of Killiecrankie. Then came the Irish campaign with the Siege of Derry and the Battle of the Boyne.

Plot followed plot, but there was no further actual attempt at a rising until "The Fifteen." At that time the heads of the old Catholic families for miles round Lancaster had joined the standard of revolt, and shared the ill-fortune of the Jacobite army at Preston in November, 1715, eventually returning to their homes to live on in comparative poverty and objects of suspicion to the government of the day.

Still James III lived abroad, first at the Court of France, and afterwards at Rome, hoping against hope that one or other of the Continental powers would take up his cause. Late in 1743 the French King went so far as to mass some fifteen thousand veterans at Dunkirk, with a view to the invasion of England, and the son of James III—Charles Edward Stuart—left Rome to take command of them. A storm proved fatal to many of the transports on their way to British shores, some of the largest with all on board were lost, and the French government gave up the attempt. The Spring of 1745 found Charles still at Paris, and at length, weary of resting on a broken reed—the friendship of Louis XV—he made up his mind to attempt the forlorn hope himself. He wrote to Scotland announcing his intention. He borrowed large sums of money; he wrote to his father requesting that his jewels might be pawned. "I should," he wrote, "on this side the water wear them with a very sore heart, thinking that there might be a better use of them." In the end he obtained a ship with a supply of arms and stores, and, after a perilous voyage, on the 2nd of August, 1745, anchored off the Island of Erisca, between Barra and South Uist, only to meet with the refusal of the local chief—Macdonald of Boisdale—to join his expedition. He therefore

proceeded on his voyage to the mainland, where he landed not far from Arisaig, on that August morning, and from whence he proceeded to raise the Standard in Glenfinnan. From Glenfinnan, Charles advanced by Loch Lochy to the lofty summit of Corrie Arrack, on the south-west of Fort Augustus, where the Highlanders first came across the traces of the army which the English government had sent against them.

After considerable hesitation on the part of the English authorities, Sir John Cope, then Commander-in-Chief in Scotland, had received orders to set out to oppose the Jacobite army. With barely fifteen hundred men he marched in haste from Edinburgh, and arrived within twenty miles of Corrie Arrack. At this point he halted, and eventually he avoided a collision with the Jacobite forces by turning northward to Inverness. Charles at once left Cope to his own devices, and the way being clear, marched southward to the Lowlands, and on the evening of the 4th September entered Perth, where he was joined by the Duke of Perth and Lord George Murray. The latter, who was a brother of the Marquis of Tullibardine, and an able soldier, was immediately appointed Lieutenant General of the army. Meanwhile, the tidings of Cope's evasion spread dismay in Edinburgh, where the castle was in the hands of English troops, but where a considerable portion of the inhabitants were Jacobites at heart. Charles, consequently on his arrival, found little difficulty in capturing the city. About mid-day he entered amidst the wildest enthusiasm. The streets were crowded. Men and women struggled to get near him so as to kiss his hand, while ribbons and handkerchiefs waved in every direction. Clad in the Highland garb—a short tartan coat and blue bonnet with a white rose, the star of St. Andrew glittering on his breast—he passed through the throng, and many who gazed upon his pale handsome face compared him to their great hero of the past—the Bruce.

With every ceremony King James III was proclaimed at the Old Cross of Edinburgh—the scene of many a pageant noted in

history—and at night the walls of Holyrood rang to the music of the dance, when—

“The lamps shone o’er fair women and brave men—
A thousand hearts beat happily . . .
And all went merry as a marriage bell.”

Sterner work soon followed. Sir John Cope on reaching Inverness, and hearing that Prince Charles had passed southward, marched his troops across country to Aberdeen, embarked there and landed at Dunbar with about three thousand men, and a few pieces of artillery. The Jacobite forces marched out to Prestonpans to meet them, and early in the morning of the 21st September, the Highland clans burst from the mist and charged the English troops. The Camerons stormed the battery, and its defenders fled. The battleaxes and claymores of the clansmen struck terror into the hearts of King George’s troops, and with the exception of a portion of the infantry, they fled before the northern warriors. In less than five minutes the battle was over, the artillery, colours, supplies, baggage, and military chest, fell into the hands of the Highlanders. The cavalry, headed by Cope, fled to Coldstream, and thence to Berwick, where Lord Mark Kerr received the unfortunate general with the well-known sarcasm “that he believed he was the first General in Europe who had brought the tidings of his own defeat.” Sir John Cope went down to posterity in the rhyme which describes how—

“When Johnnie Cope to Dunbar came,
They speered at him, ‘where’s a’ your men’?
‘I’ faith,’ says he, ‘I dinna ken,
For I left them a’ this morning.’”

The Prince returned to Edinburgh in triumph. A hundred pipers marched in front playing the Jacobite air, “The King shall have his own again”; then came the clans, and behind followed the prisoners with the trophies and the artillery. The streets were crowded, and again the white ribbons floated from every balcony.

The defeat at Gladsmuir—for so the Jacobites termed the battle of Prestonpans—roused the English government to more

energetic action. Three battalions of the Guards and seven regiments of Infantry were brought from Flanders. Marshal Wade received orders to proceed to the north. General Huske was sent to defend Newcastle, and Cope was ordered to meet him there. The Duke of Cumberland was summoned from the Low Countries, and on his arrival took command of the Royal forces which were gathering near Lichfield. The militia were called out, and everywhere measures were taken to resist the threatened invasion. In Scotland the Prince's victory brought many recruits to his Standard. Gordon, of Glenbucket, came with some four hundred men; Lord Ogilvie brought six hundred from Strathmore; the venerable Lord Pitsligo—the Baron of Bradwardine, in Waverley—led some six score country gentlemen, and many another good man and true came to support the White Rose. On the other hand some important clans held aloof, and Lord Lovat still tried to run with the hare and hunt with the hounds. While protesting his loyalty to the Lord President, he was secretly urging the despatch of his son, the master of Lovat, with part of his clan to support the Prince.

The Jacobite army now mustered nearly six thousand men, and after considerable opposition from the Council of War, the march to the south began. The last night of October, 1745, saw the Prince leave Edinburgh, and on the evening of the 8th of November he entered Cumberland. Carlisle underwent a short siege, and on the 17th November Charles entered that place in triumph. Leaving a garrison of two hundred men in the border city, the Prince advanced through Penrith, Shap, and Kendal towards Lancaster.

Once more let us picture ourselves in Lancaster in a bygone age. Few indeed of the buildings which looked down on Prince Charlie and his followers in "The Forty-five" are left to us now, but we can dimly discern through the mists of a century and a half the outline of the town as it was at that time. The castle was then much more picturesque than it is now. The gateway reared its magnificent front then as now, but a low curtain wall

connected it on the north with the Well Tower, and on the west with the Dungeon Tower, long since destroyed. Farther to the west was the present Hadrian's Tower, the exterior of which is now hidden from view by a modern casing, and the stripping of the interior of which, in the year 1893, has brought to light the massive masonry of the tower, shewing how well men built in days of old.

Behind frowned the keep, and in front on the south lay the moat, shaded by lofty trees. On the north was the Church with its ancient tower, some fifteen years later to be replaced by the present erection.

The main streets were as they had been a century before, Bridge Lane, China Lane, Market Street, St. Nicholas Street, St. Mary's Street, and Penny Street, leading to where the White Cross stood. Eastward were a few houses near the site of the Friarage, and Moor Lane was marked by an avenue of trees. The Green Ayre *was* the Green Ayre, and stretched almost down to the Old Bridge across which the Prince's army came.

The November day is well advanced ere the shrill notes of the bagpipes tell the eager crowds of Lancashire people that the Jacobite army is approaching, and soon the advanced guard is seen marching in good order towards the bridge. The pipers lead the way, and then come the clans in stately procession—Camerons, Macdonalds of Glengarry, Grants of Glenmorriston, Macdonalds of Keppock, Macdonalds of Glencoe, Stewarts of Appin, Macgregors and Mackinnons, the Guards under Lord Elcho, and Lord Pitsligo's Horse. Clan after clan pass on over the bridge up the Bridge Lane, through China Lane and on to the Market Place, where the herald at the Market Cross proclaims King James. In silence the crowds of Lancaster folk look on; they remember, only too well, how thirty years before they had listened to a similar Proclamation, and, carried away by the enthusiasm of their wives and daughters, had a little too soon espoused the cause of the Stuarts. True, they had

soon repented, and had shewn the sincerity of their repentance by their energy in hunting down and denouncing to the Government their former friends. This time, however, they have determined to make sure which way the cat is going to jump before they commit themselves, and therefore they listen in silence to the words of the herald as he commands them to pay allegiance to their Sovereign Lord, King James, and to his Regent, Prince Charles. The following day they again flock to the bridge to watch the main body of the Highland army march into the town. This second column consists of the Athol Brigade, the Robertsons, the Duke of Perth's Regiment, the Glenbuckets and John Roy Stewarts, Lord Ogilvie's Horse, the Maclauchlans, and the McPhersons. The Perthshire squadrons, commanded by the Earl of Kilmarnock, with sixteen pieces of artillery, and the baggage, march with this column. At the head of the clans comes the representative of the Stuart line. Wearing the tartan, belted with a blue sash, a blue velvet bonnet with the white cockade, his whole bearing is one of confident hope that at last he is to retrieve the fortunes of his race, and in due course mount the throne occupied by so many of his ancestors. Never has Lancaster looked upon a braver man or a more heroic effort to raise a fallen cause.

In firm order the clans proceed through China Lane to the Market Place, and, obtaining their billets they disperse in search of food. The headquarters of the Prince are fixed where the generals of "The Fifteen" had lodged—at the house in Church Street then occupied by Mrs. Livesey, and now used as the Conservative Club. There the Prince and his leading supporters dine, and we can easily picture the scene in that old house which many of us pass, day after day, without even a thought of the historic scenes which its walls have witnessed in days that are gone. The Prince is surrounded by his principal supporters—the aged Marquis of Tullibardine, whose hand had held the Standard when its broad folds shewed to the assembled clans that the White Rose had raised its head once more; the

venerable Lord Pitsligo, so admirably portrayed as the Baron of Bradwardine by the author of *Waverley*; the Duke of Perth, with Lord George Murray, the energetic commander of the Highland army; the Earl of Kilmarnock and Lord Balmerino, brothers-in-arms, soon to be brothers in death; Lord Nairn, Lord Ogilvie, Sir Thomas Sheridan, and other leading officers of the Jacobite force. Such is the party in that old house in Church Street when a stranger is ushered into the room. Below the middle stature, with handsome features, fair hair, and a sparkling eye, Lord Balmerino recognizes him at once as having met him in Paris long years before. The Marquis of Tullibardine also recollects him, and soon introduces him to the Prince as Dr. Henry Bracken, a medical man of high repute in Lancaster and the neighbourhood. The conversation between the old acquaintances is resumed until the usual health of the King is given. "The King and prosperity to England"—drink the Prince and his officers—"and the King and prosperity to England" drinks Dr. Bracken, but while Dr. Bracken's toast might, in his opinion, refer to King George II, the rest of the company have no scruple in naming their King as James III. Then the prospects of the campaign are discussed, and when Dr. Bracken retires from the room, it is only to write to the Hanoverian General with details of the number of the Jacobite troops, and with particulars he has gleaned of Charles' intentions for the future conduct of the campaign.

Early the following morning the troops were on their way to Preston, Lord Balmerino waving his hand to Dr. Bracken as they left the town. The rearguard arrived in Lancaster on the 26th, and only remained long enough to eat some bread and cheese, standing in the streets.

Closely following the Jacobite army was one James Ray, of Whitehaven, whose exploits as they are told by himself in "A Compleat History of the Rebellion," which he afterwards published, approach the marvellous. In the guise of a trader

he followed the army from Lancaster, but—he says—“I met some Acquaintance at Lancaster Town-end, who told me there was not a Possibility for me to pass that Evening, for that the road was full of straggling Rebels, who robbed all that fell into their Hands, so that I returned to my Quarters at the Sun in Lancaster, where the Magistrates and Gentlemen had taken Care for my Safety by directing me where to call upon People well affected to the Government, who always were free and willing in giving the best Advice how to proceed. . . . On the 28th I got to Garstang about nine in the morning, and as directed I alighted at Captain Gardner’s, at the Royal Oak. Being informed that there were two stragglers in the Town which happened to stay behind their Command I resolved to go and take them, for which purpose I borrowed a Fuzee and a case of Pistols; when being shewed to their Quarters I immediately went in and made them Prisoners, and after disarming them I supplied myself with their Arms and committed them to the care of a Constable who with his guard conducted them safe to Lancaster Castle.” A little later in the day the valiant Mr. Ray met the Jacobite postman with forty-nine despatches, whom he eventually handed over to a sergeant of militia and four assistants, by whom the prisoner was conveyed to Lancaster. On reading the account of the exploits of this staunch defender of the Hanoverian succession, one cannot but be struck with the opportune appearance of the assistants just when they are required; indeed it suggests whether the assistants did not play the principal parts, and if it was not Mr. Ray who put in an appearance when the real work was done. That this may have been the case is confirmed by Dr. Bracken’s biographer, who describes how, not many hours after the Jacobite forces left Lancaster, Dr. Bracken, with between twenty and thirty horsemen, followed them, and captured seven or eight stragglers before reaching Garstang. Also writes the biographer—“Three miles this side of Preston the Doctor himself secured one of their messengers skulking

through the fields who was going into Scotland, and in a belt he had under his shirt were found forty-nine letters, and some of them of material importance." The probabilities are strongly in favour of Dr. Bracken being the real captor of the Jacobite post, and that Ray, coming up after the capture was effected, assumed the credit of Dr. Bracken's exploit.

Meanwhile, the Jacobite army was marching south. The 27th saw them at Preston, and thence they passed by Wigan to Manchester, where they were met with enthusiasm. Passing through Macclesfield, the Jacobite army advanced to Congleton, and on the 4th of December reached Derby. The tidings of their arrival at that place caused the utmost consternation in London. The shops were shut; public business was suspended; a run made on the Bank of England, and its authorities only avoided bankruptcy by paying in sixpences to gain time. Everywhere soldiers were to be seen—the Guards were encamped at Finchley, cavalry at Barnet—and the Duke of Newcastle wrote to the Duke of Cumberland, beseeching him to hasten back to London to superintend the military arrangements.

Meanwhile, Charles, at Derby, was in exuberant spirits. Everything looked bright, and the army was longing for orders to march on London. So far their progress had been without a single check. Victorious at Gladsmuir, master—for a time at least—of Edinburgh and Carlisle, the Prince had proved himself superior in tactics to Wade and Cumberland, and nothing seemed to stand between him and London.

The morning of the 5th of December brought the thunderbolt out of the clear sky. Lord George Murray, accompanied by several officers, waited on the Prince, and informed him that it was their unanimous opinion that the army should now retreat. The position at Derby was, they said, critical. Within a day's march lay the Duke of Cumberland with ten thousand men; Marshal Wade was behind him; there must, in any case, be a battle before London surrendered. The encouragement given to the Jacobites on their march through England had so far

been of the feeblest, and, taking all the circumstances into consideration, they advised an immediate retreat to the north. Charles was astounded. "Rather than go back," he exclaimed, "I would wish to be twenty feet under ground." Angry recriminations followed; Charles did all he could to change their determination. At length, when he found all the chiefs inexorable, he reluctantly consented to give the order to return. But, in the bitterness of his disappointment, he remarked, "In future I shall summon no more councils, since I am accountable to nobody for my actions but to God and my father, and therefore I shall no longer either ask or accept advice."

The decision to retreat was fatal to the Jacobite cause. Had the Prince been allowed his own way, and marched on London, there can be little doubt that the citizens would have risen in his favour. France had actually, just when the Prince was reluctantly consenting to retreat, issued orders for ten thousand troops to land on the southern coast of England. There were other forces on their way to Derby, and only the orders for retreat prevented their joining the Jacobite army. In any event the issue could not have been more fatal than the actual result. The decision to retreat was the sentence of death to the Jacobite cause, a sentence carried into execution a few months later on Culloden Moor.

On the 6th of December the retreat began. When the soldiers became aware that they were retracing their steps their rage and disappointment could not be concealed. The reins of discipline were loosened, and the Prince, instead of marching at the head of the troops, rode in the rear, mortified and dejected. On the 9th they entered Manchester, and the afternoon of the 13th saw them toiling along the road through Scotforth, and from the height above Greaves' Farm looking sorrowfully down upon the waters of Morecambe Bay, which reminded so many of the wilder waters of their northern homes they were never to see again.

The Duke of Perth, with one hundred and twenty Hussars,

arrived first in Lancaster, and at once opened the castle doors and set at liberty the unfortunate stragglers who, through the energy of Dr. Bracken, had been captured between Lancaster and Preston. Dr. Bracken himself thought discretion the better part of valour, and he, with Dr. Fenton, the Vicar of Lancaster, found it convenient to disappear from the town. A party of Jacobite soldiers called at Dr. Bracken's house in Church Street, near the Judges' lodgings, but found the object of their visit had fled. They, however, interviewed Mrs. Bracken, and informing her that her husband had intercepted one of their messengers, they demanded a hundred guineas for her release. Eventually she evaded them, and escaped through a window of the cellar, leaving the Jacobite soldiers to wreak their vengeance upon the furniture and manuscripts of her husband.

A letter written from Lancaster a few days later says, "The Rebels in their Passage thro' this town last Week behaved like a Parcel of the most consummate Villains; the meanest Part of them pilfered and stole everything portable for their purpose, and their Chiefs sent Ruffians to plunder and extort money in a most brutal manner from Gentlemen who had exerted themselves most against them. From Mr. Gillison they got £21, and a Party of them went to Dr. Fenton's, the Vicar of this Town, who committed all the outrages their malice suggested. The Doctor was fled from the Vicarage; but they presented Pistols and drawn Swords at a Time to the Breasts and Heads of his servants, and caused every Room, Chest, Drawer, and Box in the House to be opened or Broke open, out of which they took what they pleased, and then swore most vehemently that they would burn the House unless £20 was paid to redeem it. This so terrified the old Lady in the House that she advanced that Sum in Behalf of the Doctor. No sooner had they got the money but they bid the Doctor's servant tell him that they would shoot him through the head whenever they met with him; for they were well informed that he was the greatest Enemy they had in Lancashire, by his frequent preaching against them, and

intimidating and restraining their Friends as a Justice of the Peace."

The Duke of Perth and his Hussars left Lancaster the same day, but the main body rested in the town over the 14th, employing all the tailors and shoemakers to make clothes and shoes for the men. The officers found time to wander about the town, and many of the Manchester Regiment betook themselves to the church to hear one of their lieutenants play on the organ the old tune they had listened to so many times—"The King shall have his own again."

On the 15th the Northern army turned their backs on Lancaster, only just in time to escape General Oglesby and his Dragoons, who entered the town the same day, followed the next day by the Duke of Cumberland. The Duke's arrival caused great rejoicings in the town, and the Mayor and Corporation proceeded in solemn procession to the Duke's quarters and presented a loyal address of congratulation to His Royal Highness, by whom it is said to have been most graciously received. So near were the Royal forces to the Jacobite army that rumours spread before them that Prince Charles had been surrounded at Lancaster, another that he had been defeated on Ellet Moor, and these rumours encouraged the country people to throw obstacles in the way of their retreat. Passing through Kendal, where some street fighting occurred, the Highland force spent the night of the 16th at Shap, and the following day the Prince with the bulk of his army reached Penrith. The artillery stayed the night at Shap, and on the 18th occurred the sharp skirmish on Clifton Moor, between the rear of the Highland army and the advanced guard of the Duke of Cumberland's force, a skirmish which resulted in some loss to the Duke's troops, and for a short time checked his advance. This was the skirmish described in *Waverley* where Fergus MacIvor was taken prisoner, and from which Waverley escaped to the valleys near the head of Ullswater. Mr. Henry Remington, of Melling, has left a description of the skirmish, and how he was within two miles of

the battle that night and visited the field next morning. "We had none at Melling"—he writes—"neither going nor coming, so that we suffered no damage by them, but in the road where they passed they were very rude in plundering, and am afraid have almost ruined some people."

On the 19th Charles was at Carlisle, and leaving behind him, as a garrison, the Manchester Regiment—only to surrender to the Duke of Cumberland before the end of the month—crossed the border into Scotland, and proceeded by Dumfries and Glasgow to Stirling, where he commenced the siege of the castle. Here again dissensions arose in the Jacobite camp. In accordance with the resolution he had come to at Derby, the Prince refused to summon a Council of War, and eventually the chieftains presented a formal remonstrance and asked him to appoint a Committee of Officers to decide on the operations which were to be undertaken. Had not a Council of War—they urged—determined the retreat from Derby, what a catastrophe might have followed in a day or two. Had a Council of War been held when the army came to Lancaster a day (which at that time was so precious) had not been lost. Had a Council of War been consulted as to leaving a garrison at Carlisle it would never have been agreed to. The Prince in his reply to Lord George Murray referred to the day spent at Lancaster—"I stayed, indeed, a day at Lancaster without calling a Council of War, but you yourself proposed to stay another." In the end the Prince absolutely refused to call a Council, and for a time the matter dropped.

Meanwhile, the Duke of Cumberland was recalled to London, and General Hawley was appointed to the command of the English troops. Hawley boasted of his intention to sweep the Highlanders from the face of the earth, loudly condemned those who had fled before them at Gladsmuir, and erected gibbets around Edinburgh on which to hang his prisoners. A few days later came the battle of Falkirk, when Hawley left some five hundred of his men dead upon the field, and fled to Edinburgh,

where he consoled himself for his defeat by hanging many of his own soldiers on the gibbets he had erected for the followers of Prince Charles.

The news of the battle caused consternation in London, and the Duke of Cumberland was at once despatched to the north. Again the chieftains remonstrated with Charles on his conduct of the war, and the dissensions grew to such a pitch, that, at length, Charles raised the siege of Stirling, a retreat to the north was ordered, and many of the Highlanders disappeared to the hills with their booty. Struggling through the mountains, Charles, and the remnant of his army reached Inverness, where they turned to bay. Charles and his staff occupied Culloden House, where was planned the night march of the Highland forces to attack the English army, a project which failed owing to the darkness and the difficulty of the roads. Charles and his followers returned hungry and exhausted to Culloden. There, against the advice of his officers, Charles determined to fight.

Culloden lies some five miles to the south-west of Inverness. The moor stands high, and the northern gales sweep from the stormy waters of the Moray Firth across the heather on the battlefield. South and east the ground slopes gradually towards the Water of Nairn. Hidden among the trees are the quaint old towers of Cawdor Castle, with its traditions of Macbeth. Close to the moor is Culloden House, the home of the Lord President, and in his absence the headquarters of Prince Charles, and on Culloden Moor the Highlanders were scattered to the winds.

The field of Culloden is to be seen now much as it looked when Charles saw his faithful followers scattered, but there are long ridges marked by rich green grass, standing out from the heather, to tell where the brave Highlanders fought and died. Each ridge is crowned with a rude stone bearing the name of the Clan, and in the centre of the field stands a cairn which marks the spot where the fight was fiercest, and where the dead lay heaped one above another.

Close round the battlefield wave the trees which seem to have sprung up to shield the moor from vulgar intrusion, and to form a silent army to protect the graves of the Highlanders who espoused the cause of the last of the Stuarts. Few places in Great Britain can tell a more pathetic story than this breezy moorland with its Scotch firs standing side by side, and growing from the graves of brave men, who fought there shoulder to shoulder and died for their King.

From Scotland Charles Edward returned to France, whence, after the treaty of Aix la Chapelle, he was ejected in December, 1748. For some years he resided at Avignon. Twice at least he visited England, but in 1776 he was summoned to Rome by the death of his father. Six years later he married Louisa, Princess of Stolberg. The alliance was an unhappy one, and in 1778 the Princess left her husband, never to see him again. His later years were darkened by habits of intemperance, and on the 30th January, 1788, the unfortunate Prince expired. His brother Henry, Cardinal York, lived on in Rome, in his later years supported by a pension from the British government, and died there in 1807. The English visitor to the Church of St. Peter, who turns into the left aisle of that great world's cathedral, finds there a monument, designed by Canova, to the memory of the last of the Stuarts, and erected by the Prince of Wales, afterwards George IV. The erection of a monument by the future King to the memory of the Kings that might have been, was an act as graceful as the inspiration which prompted the inscription to the Princes' father as if he had been actually King.

Turning from the principal actors in the drama of "The Forty-five," we revert to the other adherents of the White Rose who were present at that dinner in the old house in Church Street, in November, 1745.

Lord George Murray, the General of the Jacobite forces, escaped to Holland, and was afterwards received with much honour by James III at Rome. He published a memoir of the

campaign, and died in Holland in 1760. On the death of the second Duke of Athole in 1764, John, the eldest son of Lord George Murray, would have succeeded to the title, but for the attainder of his father. A petition to the King overcame the disability, and the lineal posterity of the Jacobite General have, since 1764, enjoyed the titles and demesnes attached to the Dukedom of Athole.

The Earls of Kilmarnock and Cromarty, and Lord Balmerino, were tried by the House of Peers, and were sentenced to death with all the horrible accompaniments of death for high treason. The Earl of Cromarty received a pardon, but Kilmarnock and Balmerino were brought to the block. They were taken from the Tower, and their departure from that fortress was characteristic of the two men. As was customary, the Deputy Lieutenant of the Tower cried, as they passed the gate, "God bless King George." Kilmarnock bowed, but Balmerino firmly replied, "God bless King James." Kilmarnock mounted the scaffold first, and his careworn but resigned countenance moved many of the spectators to tears. The unfortunate Earl was attended by his chaplain, and passed his last moments in silent prayer. Balmerino, brave to the end, walked round the scaffold, scanned the crowd on Tower Hill as calmly as he scanned the crowds in the Lancaster streets when Prince Charles entered the town, inspected the inscription on his coffin, which he declared correct, and then, putting on his spectacles, read a declaration of his unshaken loyalty to the House of Stuart. Next he went through a sort of rehearsal of the execution, and showed the executioner how to act when he gave the signal. He then examined the axe, felt its edge, and returning it to the executioner bade him strike with vigour and resolution, adding, "For in that, my friend, will consist your mercy." With a countenance of the utmost cheerfulness he knelt down at the block, and after a few words of prayer, his brave spirit passed.

The Marquis of Tullibardine died in the Tower. The Duke

of Perth died on board ship on his way to France. The venerable Lord Pitsligo remained in concealment in the Highlands until his death, seventeen years after the rising. Lord Ogilvie escaped to France, and rose to the rank of Lieutenant-General in the French service ; in 1778 he procured a pardon, and regained possession of his estates in Scotland, where he died in 1803.

Stern justice was meted out to the officers of the Manchester Regiment who went to the Parish Church to hear their comrade play "The King shall have his own again." Ten suffered at Kennington in July, 1746, and three more a month later. In October, nine unfortunate adherents of Prince Charles were executed at Carlisle, six at Brampton, and seven at Penrith. Twenty-two suffered at York in November, eleven at Carlisle, and five at Kennington. And amongst the last to come within the cruel meshes of the law was the wily Lord Lovat, whose scheming and double dealing ended on Tower Hill on the 9th April, 1747.

Another of the guests present at that meeting in the old house in Lancaster did not escape without trouble. Dr. Henry Bracken was accused of high treason. His biographer attributes the charge to the malice of his enemies, but whether that was so or not, the charge occasioned Dr. Bracken considerable inconvenience and peril. He was on the 22nd of January, 1746, committed to Lancaster Castle, in which there were a number of Jacobite prisoners who had been sent from Carlisle, and amongst whom a dangerous fever was raging. The fever spread and extended into the town. How many died in the loathsome dungeons of the castle cannot now be ascertained, but one of the unfortunate captives describes how he arrived at Lancaster with his fellow prisoners, where orders were given to the gaoler to load them with heavy irons, how the government allowed each prisoner fourpence a day for his maintenance, and how the gaoler preferred to appropriate the allowance, and feed his prisoners on the refuse of Lancaster market. Upwards of

eighty of Prince Charles' followers succumbed to the fever and the wretchedness of Lancaster Castle and such surroundings. Dr. Bracken could but protect himself, as far as possible, by fumigating his cell, and at the next Assizes he was allowed out on bail. Again, at the following Assizes he appeared, and no accusation being brought against him he was discharged, the Judge remarking in strong terms on the scandalous nature of the whole proceeding. One loss the unfortunate prisoner suffered which was irreparable. His son visited him in the castle, caught the gaol fever, and died in his twenty-first year. The loss so affected Dr. Bracken, that he never regained his former vivacity. He served the office of Mayor of Lancaster in 1747 and 1757, lived for nearly twenty years after meeting with Prince Charles, and was buried in St. Mary's Church.

Over his grave was placed a brass, bearing his coat of arms and the inscription, "Henry Bracken, died 13th November, 1764, in the 63rd year of his age." Unfortunately, this brass has been removed, and the last resting-place of this Lancaster celebrity is now unknown.

CHARTERS.

FOR the earliest existing Charter we must look back to the days of Richard I—to those times when that monarch, fired with military enthusiasm, was carrying the renown of the English name into the East, and fighting for the Holy Places of Palestine. At home his brother John, treacherous always, was plotting his ruin, and seeking to gain the people of England to his cause. Whether John wished to obtain the support of the town of Lancaster, or whether the burgesses had given him some tangible consideration for his favour, does not appear, but in 1193 John granted to Lancaster its earliest Charter:—

“John Earl of Moreton”—so runs a free rendering of the Latin tongue—“to all his friends in France and England greeting. Know ye that I have granted and by this my Charter have confirmed to my burgesses of Lancaster all the liberties which I have granted to the Burgesses of Bristol. Furthermore I have declared the same Burgesses freed from suit to my mill and from ploughing and other servile customs which they used to do I have granted also to the same Burgesses the Pasturage of my Forest as far from the Town of Lancaster as their Cattle can go and return in a day. I have granted also to them of dead wood in my Forest so much as shall be needful to them for burning and of other wood so much as shall be needed for building under the Survey of my Foresters. . . . In the fourth year of the reign of our Lord King Richard on the morrow of St. Barnabas the Apostle at Dorchester.”

The liberties of Bristol referred to in this Charter were very extensive, and included provisions that no burgess was to be impleaded except within the walls of the town; that all were to be quit of toll and lastage and pontage throughout the

kingdom ; and that no stranger was to establish himself within the town for purposes of trade for a longer period than forty days ; the Guilds were to be upheld, and all lands within the town were to be held in free burgage tenure.

Six years later John came to Lancaster. In that old Norman keep which still frowns down on Lancaster, surrounded by the knights and nobles of the district, he signed a second Charter.

That Charter grants to the burgesses of Lancaster all the liberties which the burgesses of Northampton had the day that King Henry II died, in lieu of the liberties granted by John when Earl of Moreton.

Its terms at once necessitated an application to the borough of Northampton to know what liberties that town possessed. Accordingly from Northampton was received a parchment setting forth the liberties enjoyed in that borough and addressed :—

“ To their most worshipful friends the Sheriffs and Bailiffs of Lancaster the Bailiffs of our Lord the King from Northampton Greeting—with love, rejoicing concerning the Liberties granted to you by our Lord the King. We send you a copy of the Charter which we have given from the King himself.”

The main privileges granted by this Charter were: freedom of the burgesses from toll throughout all England, and that the burgesses might make a Mayor whom they shall choose from amongst themselves every year, who shall be meet for us and them.

These privileges were confirmed by Henry III when he granted to Lancaster a Charter, given under the hand of the Venerable Bishop of Chichester, the Chancellor, on the 16th of March, 1227.

But a Charter that brought still greater importance to Lancaster was that obtained through the intervention of John of Gaunt :—

“ Know ye that we of our special grace and at the request of our beloved son John, Duke of Lancaster, have granted and by

this Charter have confirmed to our beloved Mayor, Bailiffs, and Commonalty of the Town of Lancaster, that all pleas and sessions of whatsoever justices in the County of Lancaster assigned be held in the said Town of Lancaster as the principal town of the said County and not elsewhere in the said County."

It is under this Charter that at the present day the Quarter Sessions are always opened at Lancaster, and only held by adjournment at Preston and Kirkdale. So also the Assizes are still held at Lancaster, though the larger portion of the business is now transacted at Liverpool and Manchester.

The days of this Charter were amongst the brightest in the history of the town, and enabled the burgesses to devote their attention to the preparation of a series of bye-laws.

These *Orders and Constitutions* are no less than one hundred and forty-two in number, and four times a year had the unfortunate burgesses to listen to the whole of those one hundred and forty-two Orders and Constitutions carefully read over in their ears. They provide for the regulation of the town's pasture, and are very jealous for the maintenance of the rights of freemen. They provide for the election of Mayor and Bailiffs—the bailiffs to keep their banquets at Shrovetide and Easter, and to charge the expense thereof upon the town. Provision was also made for the appointment of a "cobler to amend old shoes"; a swineherd to keep all the swine of the town on Quernmoor, above the Moor Gate. "If any freeman do rayle or revile any man by any dangerous words he shall lose his liberty or else be grievously fined," but if the unfortunate offender were not free—mark the distinction between freemen and others—if he were not free he was to be committed to the gibbet. No wedding breakfast was to cost more than 4*d.* a head. Vagabonds or idle young persons were to be carted or scourged out of the town. Any man standing under any man's eaves, for eavesdropping, was to be fined 3*s.* 4*d.* All unlawful games were to be put away, and the young men were commanded to buy bows and arrows.

In 1384, and again in 1389, King Richard II confirmed the ancient Charters. The second confirmation expressly renews any privileges which may have been allowed to lapse by non-user, and was granted "by the King himself for the fine of forty shillings and because the Town aforesaid by misfortune has been often burnt."

In 1389 Henry IV confirmed the Charters, and in 1409 expressly ratified the exemption of the burgesses from toll. "We"—says the Charter—"greatly intending the weal profit & advancement of the same our Town of Lancaster have determined that the said grants shall stand & persevere in their full strength & virtue."

Then came the golden days of Henry V, when the noble gateway of the castle raised its front high above the town. Yet the burgesses seem to have been in trouble. In the second year of his reign Henry V "pardoned and remitted to Richard de Elslake Mayor of the Towne of Lancaster and the Bailiffs and Commonalty all manner of Trespasses by them before the 8th day of December in the second year of our Reign against the form of the Statutes concerning Liveries of Coats & Caps committed or perpetrated."

In 1421 Henry again granted a Charter to the borough, and especially confirmed the fairs and markets, the guild, and the holding of the Sessions at Lancaster.

In the reign of Henry VI the Mayor, bailiffs, and commonalty presented a petition for further liberties :—

"Whereas"—say they—"Lancaster from time immemorial has been and still is the chief and most ancient borough within the County of Lancaster; to which borough there is a great confluence and concourse of people as well as of merchants denizens and others and before this time has been for the greater part inhabited by merchants; and because the Mayor and bailiffs for the time being have not had power or authority to take recognizances by statute merchant, many of the said merchants, without any surety had, have furnished their goods

and merchandise to divers people, and have fallen in great poverty, because they had not power by law in the borough to recover their debts promptly on the day fixed for payment, and for this cause many merchants have ceased to come to this borough with their merchandise, to the great damage of all the commonalty of the said borough."

The petition therefore prayed the King to grant to the Mayor and his successors, power to take and record all manner of recognizances by statute merchant, of the debts of all debtors who shall come before them. The prayer of the petition was complied with, and the burgesses, we hope, profited by their further privileges.

Then came the dark time of the Wars of the Roses; and the reigns of Edward IV, and Edward V, and Richard III were occupied in more stirring matters than the granting of Charters to the borough of Lancaster.

Early in the reign of Henry VII we find the burgesses petitioning for a confirmation of their Charters, and receiving a Charter in answer to their prayer.

The usual Charter of confirmation is not forthcoming in the reign of Henry VIII. But the preamble of an Act of Parliament passed in that reign shews that Lancaster was not then in a very prosperous condition.

"In times past"—says the Act—"divers and many beautiful houses of habitation have been within the walles of the towne of Lanc^r which now are fallen down decayed & at this tyme remayne unreedified lying as desolate & voyd grounds & many of them adjoyninge nigh unto the high streetes, replenished with much ordure filth and uncleanness with pittes cellars and vaultes lying open & uncovered to the great peryll & daungier of all the inhabitants & all the Kynges subjects passing by the same & some houses be very weak and feble redy to fall down & be very dangerous to passe bye to the decay & hindrance of the said boroughs and townes."

The Statute therefore enacted that the owners of such houses should within two years repair them under pain of forfeiture.

Edward VI confirmed the Charters and extended the privileges of freedom from tolls.

In the reign of Queen Mary the burgesses complained that the Quarter Sessions had been removed from Lancaster, and that the liberties of the town had been greatly infringed and broken, to the great decay of the town and the impoverishment of the poor inhabitants of the same. Eventually an order was made that all general sessions of assizes and gaol delivery should from thenceforth be held in Lancaster, and not elsewhere in the county.

Shortly after came a precept addressed by :—

“Philip & Mary by the grace of God King & Queen of England Spain France both Sicilies Jerusalem & Ireland, Defender of the Faith, Archduke of Austria, Duke of Burgundy, Milan & Brabant, Count of Aspurge Flanders & Tirol, to our trusty & well beloved the Mayor and Bailiffs of our Town of Lancaster & to all the Burgesses of the same & to every of them.” “Whereas,” says the precept, “we be credibly informed that our said Town is in great ruin & decay by reason of such variance as hath been by means of taking of Liveries & Cognizance . . . contrary to our Laws . . . Wherefore we well and strictly charge . . . that you do make in our name proclamation that no manner of person . . . from henceforth retain any person nor be retained with any person or persons by oath livery sign cognizance or otherwise, but as shall accord with our laws.”

In the fifth year after she came to the throne Queen Elizabeth gave the usual Charter of confirmation, and the town seems to have grown steadily during her reign, and with the rise of England's sea power Lancaster became one of the principal ports of the north.

In 1604 James I considering that the town is “an ancient and populous Town and the Inhabitants of the Town time out of mind have had used & enjoyed divers franchises & willing that the Town from henceforth for ever may be & remain a

Town of Peace and Quiet to the fear and terror of the wicked & for the Reward of the good" granted Lancaster a Charter.

This deed placed the government of the town in the hands of a Mayor, bailiffs, and commonalty, and directed that the Mayor was to act as Justice of the Peace and Coroner.

In 1621 James granted another Charter, expressly confirming the exemption of Lancastrians from toll in any part of his dominion.

Then came the Civil Wars, and during the fire which occurred in one of the many sieges of the town, several of the Charters were damaged, and parts of some are almost illegible from this cause.

The next Charters are those of Charles II, granted in 1663 and in 1684, chiefly confirming the earlier deeds. The latter Charter exempted members of the commonalty from service on juries outside the town. The governing body were to consist of one honest and discreet man who shall be and shall be called Mayor, one Recorder, seven Aldermen, twenty-four who shall be called the Common Council, of whom twelve shall be called Capital Burgesses and twelve shall be called the Commonalty, two Bailiffs, one common clerk, one mace bearer, and two sergeants-at-mace.

Some of the charges in connection with the obtaining of this Charter are worth recording :—

	£	s.	d.
To Mr. Jennings Counsel my Lord Chief			
Justices favourite	2	3	0
To the Foot boy	0	1	0
To an under officer at the door	0	2	6
To Mr. Johnson to expedite the Bill	2	2	0
To his man	1	1	0
To his boy	0	1	0
Paid at the Privy Seal for the Chancellor			
£13 demanded but compounded for	5	10	0
For expedition	2	0	0
For Coach hire up & down	6	10	0

£ s. d.

Expenses upon the Road up & down, at London for our Chamber & Fire, & treating of Gentlemen & Friends who gave us assistance in our business ; Coaches & Boat hire and other Expenses					34	9	0
The total charges were					184	2	8

In the reign of George III the Corporation again obtained a Charter, the main provisions of which remained applicable until the Municipal Corporation Reform Act of 1835.

The earliest existing Charter is written upon a piece of parchment measuring 8 inches by $5\frac{3}{4}$ inches, it bears no signature or seal, but purports to be a gift by John Count of Mortain to his Burgesses of Lancaster of all the liberties which he had given to the Burgesses of Bristol &c.¹

By another Charter passed at Chinon, 1199, after his accession to the throne John revoked the clause of the above Charter conferring the liberties which the Burgesses of Bristol enjoyed substituting for them "the liberties which our Burgesses of Northampton had upon the day on which King Henry our Father died."

No. 1.—A.D. 1193. [TRANSLATION.]

JOHN EARL of MORTON to all men and his friends of France and England who now are and hereafter shall be Greeting, know ye that I have granted and by this my Charter have confirmed to my Burgesses of Lancaster all the Liberties which I have granted to the Burgesses of Bristoll, furthermore I have declared the same Burgesses freed from suit to my Mill and from plowing and other servile customs which they used to do and that they may not shear for my Service from henceforth as they have been accustomed to shear, I have granted also to

¹These Charters are copied from a series made for the Corporation by the Rev. James Watson, the Rev. John Widdett, and Robert Tomlinson under direction of a Committee of the Council in 1787. See also *The Lancashire Chartulary*, by W. Farrer, p. 417.

the same Burgesses and by this my Charter have confirmed the pasturage of my Forest as far as their Cattle from the Town of Lancaster can go in a day and return home, I have granted also to them of dead wood in my Forest as much as shall be needful to them for burning and of other wood as much as shall be needful for building by the survey of my Foresters; wherefore I will and strictly command that the said Burgesses and their heirs have and hold of me and of my heirs all the liberties and free customs aforesaid well and in peace freely and quietly fully and intirely and that they may be freed from the aforesaid servile customs and exactions.

WITNESSES hereof being Alan son of the Earl Theobald Walter, David Wallener, Robert Lunet, Nicholas Malesmeina, Walter de Cantell, Fulco his brother, William de Cantell, Luke de Trubevill, Gualfer de Saint Brit and many others In the fourth year of our Lord King Richard on the morrow of Saint Barnabas the Apostle at Dorchester.¹

No. 2.—A.D. 1199. [TRANSLATION].

John by the Grace of God King of England Lord of Ireland Duke of Normandy Aquitain and Earl of Anjou To the Archbishops Bishops Abbots Earls Barons Justiciaries Sheriffs Officers and all Bailiffs and faithful subjects Greeting, know ye that we have granted and by this our Charter have confirmed to our Burgesses of Lancaster all the Liberties which our Burgesses of Northampton had the day that King Henry our Father died in Lieu of the Liberties of the Town of Bristoll which we granted to them whilst we were Earl of Moreton, furthermore we have declared the same Burgesses freed from Suit to our Mill and from plowing and other servile customs which they used to do and that they may not shear from

¹ This Charter is wrapped in a piece of parchment marked :—

This grant was thus defaced and the seale pul'd when as the Town of Lancaster was burned the xxiiijth day of March, 1642.

See also *The Lancashire Chartulary*, by W. Farrer, p. 416.

henceforth in our Service as they have been accustomed to shear, we have granted also to the same Burgesses and by this our Charter have confirmed the pasturage of our forest as far as their cattle from the Town of Lancaster can go in a day and return home, we have granted also to them of dead wood as much as shall be needful to them for burning and of other wood as much as shall be needful for building by the survey of our Foresters, wherefore we will and strictly command that the said Burgesses and their heirs have and hold of us and of our heirs all the liberties and free customs aforesaid well and in peace freely and quietly fully and completely and that they be freed from the aforesaid servile customs and exactions as we had granted to them and by our reasonable Charter have confirmed whilst we were Earl of Moreton.

WITNESSES hereof G. Archbishop of York H. of Salisbury and R. of St. Andrews Bishops R. Earl of Leicester John de Prattell Garmer de Clapion William de Cantilupe Peter de Stok. Given by the Hands of Symon Wellen Archd. and John de Gray at Cenom on the 10th day of October in the first year of our Reign.

No. 3.

THE COPY of the Grant of the Liberties of Northampton which were shewed in London and there allowed and enrolled before the Mayor and Aldermen John Peeche then being Mayor about the year 1361 And remains among the Records of the Guildhall in a Book with this letter G folio centesimo.

RICHARD by the Grace of God King of England Duke of Normandy and Aquitain Earl of Anjou To the Archbishops Bishops Abbots Priors Earls Barons Justiciaries Sheriffs and all Ministers and faithful subjects of France and England Greeting, know ye that we have granted to our Burgesses of Northampton that none of them plead without the Walls of the Borough of Northampton except Pleas concerning Out Tenures our

Moneyers and Ministers excepted, we have granted also to them acquittance of Murder within the Borough and Portsoken And that none of them cause a duel And that of Pleas which pertain to the Crown they may traverse according to the custom of the Citizens of the City of London And that within the walls of that Borough no one take procuracy money by Force or by the Delivery of the Marshall, all these things we have granted to them that all the Burgesses of Northampton be freed from Toll and Lastage throughout all England and the Ports of the sea And that no one award amerçiements—but according to the law which our citizens of London have And that a husting to be held once only in a week And that they have their lands and tenures and their securities and all their debts justly whosoever may be indebted to them And concerning their lands and tenures which are within the borough right to them be kept according to the custom of the borough And concerning all their debts which have been contracted at Northampton and Bails there made Pleas to be held at Northampton And if any one in all England has taken toll or custom from the men of Northampton after that he shall have swerved from right the Mayor of Northampton may distrain his goods from thence at Northampton, moreover also for the Improvement of that Borough we have granted to them that they be freed from Brudtol (pontage) and from Childwite and from Heresgive and Scotale So that the Mayor of Northampton or any other Bailiff may not make Scotale These customs aforesaid we have granted to them and all other liberties and free customs which our citizens of London have had or have when they had them better and freer according to the liberties of London and the Laws of the Borough of Northampton, wherefore we will and strictly command that they and their heirs have and hold hereditarily all these things aforesaid of Us and our heirs paying yearly a hundred and twenty pounds in money from the Town of Northampton with all its appurtenances to our Exchequer at the term of Saint Michael by the hands of the

Mayor of Northampton And the Burgesses of Northampton may make a Mayor when they shall choose from amongst themselves every year who may be meet for us and them.

WITNESSES Hugh of Durham, John of Norwich, Hubert of Sarum Bishops, Earl Albr^s Earl William de Arundel, Earl Richard de Clare, Earl Hamell de Warren, Walter Fitz Robert, Given at Saint Edmunds on the 18th day of November by the Hand of William elected of Ely our Chancellor in the first year of our reign. [1189.]

This Charter allowed by John Peeche Mayor of the City of London and by the Aldermen of the same City and enrolled in the Chamber of Guildhall of the same City viz. in a Book with the letter G folio centesimo William de Holbec and James de Fame being at that time Sheriffs of London.

And because the Mayor and Burgesses of Lancaster say that their liberties are founded upon the ancient liberties of the Town of Northampton on the humble petition of the same Mayor and Burgesses the Mayor and Burgesses of Northampton caused the Charter of King Richard and the allowance thereof had from London in this manner to be transcribed from them and the Transcript to be sealed with the Seal of the Mayoralty of Northampton Moreover certifying the said Mayor and Burgesses of Lancaster that the Sheriffs of Northampton never in times past have from their office had from the Town of Northampton any fee Treat nor any other custom. Written at Northampton on the Eleventh day of February in the fourteenth year of the reign of King Richard the Second.

No. 4.

A TRANSCRIPT of the first Grant made to the Burgesses of Northampton sent unto the Burgesses of Lancaster under the common seal of Northampton aforesaid.

To their most Worshipful Friends the Sheriffs and Bailiffs of

Lancaster the Bailiffs of our Lord the King from Northampton Greeting with love rejoicing concerning the liberty granted to you by our Lord the King we send you a copy of the Charter which we have given from the King himself JOHN by the Grace of God King of England Lord of Ireland Duke of Normandy and Aquitain Earl of Anjou To the Archbishops Bishops &c. (The same verbatim as No. 3 to the words "meet for us and them," after which words this Instrument proceeds in the following manner)—in this manner that is to say that the same our Burgesses of Northampton by the Common Council of their Town choose two out of the more legal and discreet Burgesses of their Town and present them by their Letters patent to our chief Justice at Westminster who well and faithfully may guard the Mayor of the Town of Northampton and not be moved so long as they shall behave themselves well in their Bailiffship unless by the Common Council of their Town, we will also that in the same Borough of Northampton by the Common Council of the Town they choose four of the more legal and discreet men of the Borough to keep the Pleas of our Crown and other things which to us pertain in the said Borough to see that the Mayors of that Borough justly and lawfully treat as well poor as rich.

WITNESS William Marshall &c. Also that this our Charter which we have from our Sovereign King John ye may undoubtedly know that ye may the more certainly and better and more confidently believe we have confirmed this Transcript by the Common Seal of our Mayoralty.

No. 5.—A.D. 1227.

THE CONFIRMATION of the LIBERTIES of NORTHAMPTON and of all the other Grants before specified made by King Henry the third unto the Burgesses of Lancaster in the eleventh year of his Reign.

HENRY by the Grace of God King of England Lord of

Ireland Duke of Normandy and Aquitain and Earl of Anjou To the Archbishops Bishops Abbots Priors Earls Barons Justiciaries Sheriffs Foresters Governors Ministers and all Bailiffs and faithful subjects Greeting, know ye that we have granted and by this our present Charter have confirmed to our Burgesses of Lancaster all the liberties which our Burgesses of Northampton have had the day that King Henry our Grandfather died in lieu of the liberties of the Town of Bristol which King John our Father granted to them whilst he was Earl of Moreton, furthermore we declare the same Burgesses freed from suit to our mill and from plowing and other servile customs which they used to do and that they may not shear from henceforth in our Service as they have been accustomed to shear, we have granted also to the same Burgesses and by this our Charter have confirmed the pasturage of our forest as far as their cattle from the Town of Lancaster can go in a day and return home, we have granted also to them of dead wood in our forest as much as shall be needful to them for burning and of other wood as much as shall be needful for building by the survey of our foresters, wherefore we will and strictly command that the said Burgesses and their heirs have and hold of us and of our heirs all the liberties and free customs aforesaid well and in peace freely and quietly fully and completely and that they be freed from the aforesaid servile customs and exactions as the Charter of our Lord King John our Father which they have therefrom reasonably testifieth WITNESSES hereof Lords Joceline, Bachon, Richard of Salisbury, and Peter of Winchester Bishops Hubert de Burg, Earl Kancie, Justice of England, Ralph Fitz Nichol, and Richard de Argentern our Stewards, Henry de Capella and others. Given by the hand of the venerable Father Ralph Bishop of Chichester our Chancellor on the Sixteenth day of March in the eleventh year of our reign at Westminster.

No. 6.

IN THIS DEED of Grant and Confirmation appeareth how the Burgesses of Lancaster granted to the Kings to take in and enclose a Park of five miles in compass also forty acres to convert to tillage and thereupon the King granteth them freedom of Common, &c.

To all who shall see these present Letters Edmund Son of Henry King of England of renowned memory Greeting in the Lord Know all men that whereas our Burgesses of the Town of Lancaster gratuitously and freely have granted to us that in our forest of Quernemore we may enclose one Park of five miles in circumference in a place which is called Hoton and that in a place which is called Scarktheyt we may enclose and reduce to tillage forty acres of land a free passage being reserved for the said Burgesses with their carts and cattle to places which are called lez Schyrokes and le Lyht This notwithstanding that the aforesaid Burgesses had in the aforesaid places common of pasture We for ourselves and our heirs to the said Burgesses and their heirs have granted and by this our present Charter have confirmed that all their cattle from henceforth be freed from agistment in the forest aforesaid In such manner that is to say that they may be there by day and by night be without Payment of any agistment or any other demand which might be demanded by us or our heirs or our Bailiffs or Foresters on the aforesaid account And that the said cattle be not impounded in the aforesaid places if they by chance at any time happen to stray into them by reason of a fault in the fence, in witness whereof we have caused our Seal to be affixed to this present deed dated at Lancaster by Sir Richard Fokeram and Hugh de Vien our Attorneys on the Second day of April in the twenty-sixth year of the reign of Edward our Brother WITNESSES hereof Sir Henry de Lee then Sheriff of Lancaster Daniel de Daire Benedict Gernet Richard le Botiler Adam de Holand Adam de Houghton Knights

Nicholas de Lee Orm de Kellet John de Exchuie and Robert de Horneby and others.

No. 7.

THE EXEMPLIFICATION of a Quo Warranto against the Town of Lancaster for and touching their Liberties wherein the Town prevailed and had their Liberties restored. Tempore Ed. Primi.

EDWARD by the Grace of God King of England Lord of Ireland and Duke of Aquitain to all to whom these present Letters shall come Greeting We have perused Records and Processes which we have caused to come before us in our Chancery in these words Pleas before our Lord the King at York from the Term of Saint Michael in the latter end of the twenty-ninth and beginning of the Thirtieth year of the reign of King Edward Son of King Henry To Wit our Lord the King hath directed to his beloved and faithful Treasurer and Chancellor his Writ in these words Edward by the Grace of God King of England Lord of Ireland and Duke of Aquitain to his Treasurer and Chancellor Greeting, whereas upon a Record and process of Imparlance which has been before Hugh de Gressingham and his Brethren our late Justices last in Eyre in the County of Lancaster between us and the people of Lancaster by our writ de quo warranto the aforesaid People claimed to be free from Toll Stallage and Lastage thro' all Ports and Cities in England and from Suits to the County Wapontake and de Quo Warranto claimed to have a Free Borough and for buying for the Assizing of bread and beer a Pillory a Cucking stool Infangethife and Gallows in Lancaster for some certain causes we wish to be certified by you We command that having searched the Rolls of the aforesaid Hugh concerning the circuit aforesaid which are in our Treasury under our custody as it is said of the Records and Processes of that Imparlance with all things touching them to Us under the Seal of our Secretary without delay ye send them and this Writ and

by virtue of which Writ the Treasurer and Chancellor aforesaid sent the Record and Process in these words, Lancaster to wit :— Pleas concerning Juries and Assizes before Hugh de Gressingham and his Brethren Justices in Eyre at Lancaster in the octaves of the Holy Trinity in the twentieth year of the reign of King Edward son of King Henry To wit Claim de quo warranto before Hugh de Gressingham and his Brethren Justices in Eyre at Lancaster in the octaves of the Holy Trinity In the same year the Bailiff and Commonalty of the Borough of Lancaster were summoned to answer to our Lord the King quo warranto they claim to be free from Toll Stallage Thorough Toll and Lastage through all his Ports and Cities in England And from Suits of County and Wapontake and quo warranto they claim to have a free Borough, Market, Fair for buying for Assize of Bread and Beer a Pillory a Cucking Stool Infangethife and Gallows in Lancaster which pertain to the Crown and Dignity of our Lord the King without the License and consent of our Lord the King himself and his Progenitors Kings of England And Lambert Bailiff and Master Thomas de Lancaster Robert de Catherton and William de Channtoure the Commonalty come and produce a charter of our Lord King John in the first year of our Lord the King in this Town To wit That he hath granted and by that his charter hath confirmed to his Burgesses of Lancaster all the Liberties which the Kings Burgesses of Northampton had on the day that King Henry father of the aforesaid King John died in lieu of the liberties of the Town of Bristoll which he granted to them whilst he was Earl Moreton, moreover he hath declared the same Burgesses freed from suit to his Mills from plowing and other servile customs which they used to do and that they do not shear from henceforth for the service of the King as they were accustomed to shear He also hath granted to the said Burgesses and by that his Charter hath confirmed the pasturage of his forest as far as their cattle from the Town of Lancaster can go in a day and return home He hath granted also to them of dead wood in his forest as

much as shall be needful to them for burning and of other wood as much as shall be needful for building by the survey of his Foresters And our Lord the King hath commanded that the said Burgesses and their heirs have and hold of him and his heirs all the liberties and free customs aforesaid well and in peace freely and quietly fully and entirely and that they should be freed from the aforesaid servile customs and exactions as he had granted to them and by his reasonable Charter had confirmed whilst he was Earl of Moreton They produce also a Charter of the same Lord John whilst he was Earl of Moreton in this Form To Wit That he hath granted and by this his Charter hath confirmed to his Burgesses of Lancaster all the liberties which he hath granted to the Burgesses of Bristoll and hath declared the same Burgesses freed from suit to his mill and from plowing and other servile customs which they used to do and that they may not shear for his service from henceforth as they have been accustomed to shear, he hath granted also to the same Burgesses and by that his charter hath confirmed the pasturage of his forest as far as their cattle from the Town of Lancaster can go in a day and return home, he hath granted also to them of dead wood in his forest as much as shall be needful to them for burning and of other wood as much as shall be needful for building by the survey of his Foresters, wherefore he hath commanded that the said Burgesses and their heirs have and hold of him and of his heirs all the liberties and free customs aforesaid well and in peace freely and quietly fully and entirely and that they should be freed from the aforesaid servile customs and exactions from whence by these Charters they claim themselves to be freed from Toll and other things in the Writ contained and to have a free Borough and a Market every week on the day of the Sabbath and a Fair every year beginning on the Eve of Saint Michael to continue for fifteen days successively and all other liberties in the Writ contained &c. and by these Charters they claim all the liberties aforesaid &c. And by William Inge

who follows for our Lord the King it is said that in the aforesaid Charter none of the aforesaid liberties is inserted whereupon judgment is prayed for our Lord the King himself. It is said also that the People of Lancaster have not their Market and Fair on the days and at the time when the People of Northampton have because it is said that the People of Northampton have their Fairs at the Feast of All Saints to continue for three weeks by a special Charter of our Lord the King whereupon Judgement is prayed &c. And because the aforesaid Bailiffs and Commonalty shew no Special deed by which they can use and enjoy the liberties which they claim, &c. Nor can they say that they have used them time out of mind, it is decreed that the aforesaid liberties be taken into the hand of our Lord the King at the pleasure of our Lord the King himself And the Bailiffs and Commonalty in the first &c. Be it known that the Bailiffship of the aforesaid Town on the first day of the circuit be taken into the hand of our Lord the King because the Bailiff of the Town publicly proclaimed to choose twelve electors &c. as in other circuits here has been accustomed to be done came and said that an execution of this kind belonged to the Bailiff of Lonsdale concerning the fee the contrary of which by ancient rolls of the circuits here has been found &c. And a Bailiff was appointed anew by the Justices here &c. And the aforesaid liberties are worth sixteen marks and a half in all their issues &c. And the Sheriff thereupon is charged &c. afterwards come the Burgesses of the aforesaid Town and give to our Lord the King ten marks for the exercise of the same from hence from the Day of St. Michael for three weeks by the application of Robert Eliner Robert Payne Lambert Lee Spencer Robert Iken Robert de Catherton Robert de Bobron and Lambert de Bulke &c. Afterwards from the day of Saint Michael for three weeks at Applebie came the aforesaid Commonalty by William le Channtoure and Lambert de Bulke their Attorneys by their letters patent and paid a fine for the issues of the aforesaid liberty at a farm for that whole year for

sixteen marks and a half And he granteth it to them by the application of the aforesaid William and Lambert and that the fine is enrolled in the rolls of the circuit at Westminster afterwards our Lord the King commanded his Writ concerning the record aforesaid to be sent to him &c. And it is sent to him with the Writ &c. And upon this come the Bailiffs and Commonalty of Lancaster by their Attorney and likewise John de Chester who follows for the King And it is enquired of the said Bailiffs and Commonalty for what reason they have caused the aforesaid record to come here they say that the Justices aforesaid in the rendering of the award aforesaid erred in this principally that they awarded the said Bailiffs and Commonalty concerning their liberties aforesaid assigning no sufficient cause against the Royal Charters which they produced And without this that they were certified upon the liberties of the Town of Northampton since their Charters testify that they have and ought to have by those Charters all the liberties which the Burgesses of Northampton have and pray that that Court may be certified upon the tenor of the Charters of the Town of Northampton in the articles in the same contained And that the Judgement aforesaid may be revoked as erroneous and because it appears to the Court that it is necessary to be certified upon the Charters of the liberties of the Town of Northampton it is ordered the Mayor and Bailiffs of Northampton that they have before the King on the octaves of Saint Hillary whatsoever &c. those Charters to certify &c. The same Day was appointed to the aforesaid Bailiffs and Commonalty of the Town of Lancaster &c. At which day came the aforesaid Bailiffs and Commonalty and their Attorneys and the Mayor and Bailiffs of Northampton sent two Charters concerning the liberties of the King to them granted one to wit of King Richard and another of King John and which Charters are almost of one form and yet in none of them is any express mention of a Fair or Market granted to the said Burgesses of Northampton, nevertheless in the Charter of King

Richard is contained That the said King hath granted to the said Burgesses of Northampton all the liberties and free customs which the Citizens of London have had or have when they had them better or more free according to the liberties of London and the laws of the Borough of Northampton It is contained also in the Charter of King John that the said King hath granted to the said Burgesses all the liberties and free customs which the citizens of London have had when they had them better or more free in the time of King Henry his Father according to the liberties of London and the laws of the Borough of Northampton &c. And because having perused the record and process aforesaid held before the aforesaid Justices it is found in the same that the aforesaid Bailiffs and Commonalty have claimed to have the said liberties To wit a Fair and Market together with other liberties contained in the Charter of our Lord King John made to the said Burgesses as in the first year of our Lord the King by the Charter of our Lord King John himself which they produced before the said Justices in which is contained that the said King John hath granted and by his Charter hath confirmed to his Burgesses of Lancaster all the liberties which the Burgesses of the King at Northampton had the day that King Henry Father of the aforesaid John died in lieu of the liberties of the Town of Bristol which he granted to them whilst he was Earl of Moreton. And having perused the aforesaid Charters of the Town of Northampton it is contained in the same that the aforesaid Kings Richard and John have granted to the said Burgesses of Northampton all the liberties and free customs which the citizens of London had when they had them better or more free It would be absurd to say and inconsistent that the citizens of London had not a Fair or Market at the time aforesaid since there is no doubt nor do they need proof that the citizens of London had a Fair or Market at the time aforesaid and before from time out of mind from the time of the Conquest of England and before. And royal grants concerning such

liberties To wit Fairs and Markets granted to any person or persons rather extend themselves to the having of those liberties than to the terms or days of using the said liberties since many Barons and Burgesses and others may have the like liberties although they may not use the same at one and the same time And the Justices aforesaid have considered that the aforesaid liberties to wit a Fair and Market shall be taken into the hand of our Lord the King because the said Bailiffs and Commonalty shewed no special deed by which they might use and enjoy the liberties which they claim And it manifestly appears in the record aforesaid that the aforesaid Commonalty and Bailiffs have claimed the same liberties by the Charter of our Lord King John of England &c. in which is contained that the said King John hath granted to them and by his Charter hath confirmed all the liberties which the Burgesses of Northampton have had and it is manifest that the said Burgesses of Northampton at that time had a Fair and Market and Warrant therefrom sufficient and by the aforesaid Charters of the aforesaid Kings Richard and John although special mention be not made in them of a Fair and Market since it is contained in the said Charters that the aforesaid Kings Richard and John have granted to the aforesaid Burgesses of Northampton all the liberties and free customs which the citizens of London have had and it is manifest that the citizens of London at that time had a Market and Fair it appears to this Court that the Commonalty and Bailiffs aforesaid have produced and shewn sufficient Warrant concerning the aforesaid Fair and Market although in the said Charter special mention thereof was not made, and that the Justices aforesaid proceeded not so properly to the taking of the said liberties into the hand of our Lord the King in judgement it is decreed that the aforesaid record and process be totally revoked and that the judgement aforesaid be entirely annulled And that the aforesaid liberties be restored to the said Bailiffs and Commonalty saving the right of our

Lord the King when elsewhere they shall choose to speak thereof &c. We first at the request of the present Bailiffs and Commonalty of the said Town of Lancaster have caused the tenor of the records and processes aforesaid to be exemplified by these presents IN WITNESS whereof we have caused these our Letters to be made Patent Witness myself at Westminster on the eighteenth day of July in the *thirty* (or twenty) eighth year of our Reign.

No. 8.

THE CONFIRMATION of Edward the third of all the Charters before written, with a Grant for Saturday Market and Michaelmas Fair to be kept for fifteen days. Also for Wednesday Market and Midsummer Fair to be kept for Three Days. And also a Gild with all things thereunto belonging. 1338.

EDWARD by the Grace of God King of England Lord of Ireland and Duke of Aquitaine to the Archbishops Bishops Abbots Priors Earls Barons Justiciaries Sheriffs Officers Ministers and all Bailiffs and faithful Subjects Greeting Reciting the Charter of John formerly Earl of Moretain.

And reciting the Charter of King John.

And reciting the Charter of Henry III.

AND WE ratifying and confirming the aforesaid Grants and Confirmations do for ourselves and our heirs as much as in us lies grant and confirm them to our beloved Burgesses of the Town aforesaid and their heirs as the aforesaid Charters reasonably testify and as they and their predecessors have hitherto reasonably used and enjoyed the liberties aforesaid, moreover since the aforesaid present Burgesses of Lancaster and their Predecessors Burgesses of that Town have hitherto had and held as they say a certain Market every week on Saturday at the said Town and a certain Fair there on the Eve of Saint Michael and for fifteen days next following in every year in like manner time out of mind We being willing to provide for the greater security of the said Burgesses in this behalf and to do them more ample favour have for ourselves

and our heirs granted to them and by this our Charter have confirmed for the improvement of that Town and the benefit of the said Burgesses that they and their heirs and successors Burgesses of that Town for ever have there the said Market on the said day of Saturday and the Fair aforesaid on the said Eve of Saint Michael and for fifteen days next following and also a certain other Market in every week at the said Town on Wednesday and a certain other Fair there in every year to continue for three days, viz. : on the eve and on the day of the nativity of Saint John the Baptist and on the day after the said Feast with all things pertaining to such like Markets and Fairs unless those Markets and those Fairs be to the detriment of the neighbouring Markets and neighbouring Fairs, and also that the said Burgesses and their Heirs and Successors have and hold there a certain Gild Merchant with all things pertaining to that Gild for ever wherefore we will and strictly command for ourselves and our heirs that the aforesaid Burgesses and their heirs and successors Burgesses of that Town for ever have at the aforesaid Town the said Markets Fairs and Gild with all things to them pertaining Unless those Markets and Fairs be to the Detriment of the neighbouring Markets and neighbouring Fairs as is aforesaid WITNESSES hereof the venerable Fathers J. Archbishop of Canterbury Primate of all England our Chancellor Hugh Bishop of Lincoln our Treasurer H. Bishop of Worcester John de Warren Earl Surry Thomas de Beauchamp Earl of Warwick William de Montague Earl of Salisbury Thomas Wake de Lydell and others Given by our Hand at Westminster the twentieth day of March in the eleventh year of our Reign. By the King himself.

No. 9.

The preceding grant of a Market seems to have brought the authorities of Lancaster into collision with Sir Robert de Nevill of Hornby Castle who was the owner of a market to be held on the same days at Arkholme near Hornby—an agreement was

therefore arrived at in 1329 whereby Sir Robert de Nevill abandoned all right of action against the Mayor and Commonalty of Lancaster in consequence of their exercise of their market rights.

TO ALL those who shall see or shall have this writing I Robert de Nevill of Hornby Greeteth in God Know ye I have released and quit claimed for myself and my Heirs for ever to the Mayor and Commonalty of Lancaster to them and their Heirs for ever all manner of Actions of Annoyance which we may have commenced at any time against them because that the aforesaid Mayor and Commonalty have purchased by the Charter of our Lord the King a Fair and Market at the Town of Lancaster to be held on the same days, as which, my Fair and Market at Erghum, of old time purchased, have been held. Therefore I the said Robert nor my heirs can have any right or claim of them because of the purchase aforesaid I by this Act give up all power of redemption for ever In witness to everything in this acquittance I have put my Seal. Done at Lancaster Monday next before the Feast of Pentecost in the second year of the Reign of our Lord King Edward the third after the conquest.

A counterpart (No. 9) of the above grant was given to Sir Robert Nevill by the Mayor and Commonalty of Lancaster.

No. 10.

THIS GRANT was made by King Edward the third at the request of John of Gaunt Duke of Lancaster the King's son to the Mayor Bailiffs and Commonalty of Lancaster for all Pleas and Sessions of what Justices soever to be kept at Lancaster as in the Chief Town of that County and not elsewhere within the County of Lancaster.

EDWARD by the Grace of God King of England Lord of Ireland and Aquitain To the Archbishops Bishops Abbots Priors Earls Barons Justiciaries Sheriffs Officers Ministers and all Bailiffs and faithful subjects greeting know ye that we

of our special Grace and at the request of our beloved son JOHN Duke of Lancaster have granted and by this our Charter have for ourselves and our heirs confirmed to our Beloved the Mayor Bailiffs and Commonalty of the Town of Lancaster their heirs and successors that all Pleas and Sessions of what Justices soever in the County of Lancaster appointed, be kept in the said Town of Lancaster as in the principal Town of the said County and not elsewhere in the said County for ever wherefore we will and strictly command for ourselves and our heirs that the Pleas aforesaid and Sessions of what Justices soever in the aforesaid County appointed, be kept in the aforesaid Town and not elsewhere as is aforesaid.

WITNESSES hereof the venerable Fathers Simon Archbishop of Canterbury Primate of all England William of Winchester our Chancellor and Simon of Ely our Treasurer Bishops, Richard Earl of Arundell, Robert of Suffolk Thomas de Veer of Oxford our Chamberlain, Earls, Edwardle de Spencer Ralph de Nevill John de Nevill John Atte Lee Steward of our Household and others Given by our own Hand at Westminster on the Thirteenth day of November in the thirty-sixth year of our Reign.

By Writ from the Privy Seal.

Inrolled and allowed at Preston on Wednesday in the first week of Lent in the Thirty-seventh year of the reign of King Edward the Third after the Conquest.

Inrolled and allowed at Lancaster before Thomas de Lathom and his Brethren Justices of our Lord the King on Monday in the fifth week of Lent in the Thirty-seventh year of the Reign of King Edward the Third after the Conquest.

CERTIFICATES OF GUILDS.

The Certificate of the foundation and continuance of the Fraternity of Holy Trinity and St. Leonard of Lancaster, made in the Chancery of the Lord the King by John Barry,

Master of the Fraternity aforesaid, on Monday next before the feast of the Purification of the Blessed Mary, in the twelfth year of the reign of King Richard the Second [1389], according to the form of a certain proclamation made by Royal writ thereof, appears in the form hereunder following.

“These are the Constitutions and Ordinances made and ordained by the Fraternity of Holy Trinity and St. Leonard of Lancaster, that is to say, on the feast of St. Leonard in the year of the Lord One thousand three hundred and seventy-seven.

First, it is ordained by the said Fraternity that no one shall be admitted to the said Fraternity save he¹ who shall have first sworn, according as the Brethren themselves first swore, that they² will faithfully observe the constitutions and ordinances underwritten.

Also it is ordained by the said Fraternity that no one of them shall procure or suffer the damage or prejudice of another, so far as it can be procured, but will hinder it to the best of his ability; the Royal laws and the constitutions of the Town of Lancaster being always saved in all things. Also it is ordained by the said Fraternity that no one of them shall know the wife or daughter or sister of another, nor permit to be known by another, so far as he can hinder. Also it is ordained by the said Fraternity that no one of them may receive or Lodge in his house knowingly adulterous persons, nor ought they themselves to commit adultery; and if they shall be publicly convicted thereupon, and twice warned thereof, and shall refuse to amend, thenceforth let them be utterly expelled from the said Fraternity. Also it is ordained that no one of them may excite or procure adultery between others, nor exercise that indiscreet³ office of “Baudestrottes;” and if he so exercise, and being twice forewarned shall not desist, let him also be excluded from the said Fraternity. Also it is ordained that if any one of them shall die within the Town of Lancaster, that all the co-Brethren

¹ Singular. ² Plural. ³ temerarium.

being present in the Town shall be bound to take part¹ in *Placebo* and *Dirige*, if they shall be warned by him who bears the office of "Belman" in suitable places, as it has been ordained, under pain of two pence to be paid for wax.² Also it is ordained that all the said co-Brethren shall be in the Mass with the said Brother or Sister so deceased, by himself (or herself), or by another in his (or her) name, unless he (or she) shall be duly occupied elsewhere, and shall offer one half-penny, under pain of two pence as above. Also it is ordained that each of the co-Brethren aforesaid shall say for the soul of him so deceased, as soon as he can, sixty paternosters, with as many Angelic Salutations.³ Also it is ordained that each of the said co-Brethren so deceased shall have his anniversary celebrated by the Chaplain of the said Fraternity, and with competent light of the same ;⁴ and that the said Brethren shall take part and offer as above. Also it is ordained that if any one of them die without the Town of Lancaster, or within the space of twenty miles, that then twelve co-Brethren who shall be most apt and ready therefor, shall go and seek their said Brother or Sister at the charges of the whole Fraternity ; and if he (or she) shall perchance have chosen sepulture where he (or she) died, the said twelve Brethren ought to bury him there at the costs abovesaid. Also it is ordained that each Brother or Sister aforesaid so deceased shall have in the Mass on the day of his (or her) sepulture six torches and 18 wax tapers, and their children⁵ (shall) each (have) in the Mass two torches and 4 wax-tapers. Also it is ordained that all the co-Brethren and co-Sisters not having husbands in the said Fraternity shall assemble four times in the year, that is to say, on Sunday next before the feast of St. Leonard, on Sunday next after the feast of the conversion of St. Paul, on Sunday next after the feast of the Apostles Philip and James, and on Sunday next after the feast which is called Advincula Sancti Petri. And then, in each

¹ interesse. ² cera. ³ Ave Marias. ⁴ lumine eorundem. ⁵ pueri. (pud.)

of these terms, each of them ought to pay thirteen pence for the finding and support of two Chaplains whom they shall find in the aforesaid Town to celebrate Divine (offices) for the estate of the King and Queen, and of the Lord Duke of Lancaster, and of the whole Realm, and of all the Brethren and Sisters of the said Fraternity deceased. And if they do not take part in the said several terms, and do not pay the said money, or at least within three weeks following, that then each of them not appearing and not paying shall be bound to pay to the said Fraternity half a pound of wax, if he be present in (these) parts;¹ and if any of them shall make delay or be in arrear in the said payment for other three weeks then next following, that thenceforth he shall be bound to pay another half pound of wax without delay; and this always we understand concerning those who shall be then present² in (these) parts. Also it is ordained that twelve proved and discreet men ought to be elected from the said Fraternity who shall have power to admit other (men) and other (women) to the said Fraternity, and to compound with them for their entry at more or less; and also to dispose and even to ordain touching other matters concerning the honour, advantage, and utility of the said Fraternity, at seasonable places and times; and that the said twelve shall be newly elected every year, if it be expedient. Also it is ordained that two or at least one faithful and discreet (man) shall be elected to receive and collect the moneys abovesaid at the several terms; and that other two or at least one be elected to receive and collect whatever is to be levied for wax, and to dispose the same well and faithfully to the utility of the said Fraternity; and that all these shall have to render their account at the several terms of all their receipts, before the said twelve, (or) at least before the greater part, so that the same twelve may be able to notify to the said Fraternity in what state they remain at the several terms abovesaid.

¹ si fuerit in partibus constitutus. ² tunc presentes.

No. 11.

THE CHARTER of King Richard the Second in the Seventh Year of his Reign confirming the Grants before going. (1384).

RICHARD by the Grace of God King of England and France and Lord of Ireland to all to whom these present Letters shall come Greeting Reciting the Charter of Edward III.

Also reciting the Charter of King John.

And reciting the Charter of Henry III.

And reciting a further Charter of Edward III of the 13th November in the 36th year of his reign.

And we ratifying and confirming all and singular the Grants and Confirmations aforesaid and the Charters aforesaid and all and singular the things in them contained do for ourselves and our heirs as much as in us lies by the tenor of these presents grant and confirm to our beloved the present Burgesses of the said Town of Lancaster and their heirs and successors for ever as the aforesaid Charters reasonably testify as the said Burgesses and their predecessors have reasonably used and enjoyed the liberties and acquittances aforesaid and they have hitherto held the said Markets and Fairs there and the said Pleas and Sessions have been there held In witness whereof we have caused these our Letters to be made patent.

WITNESS myself at Westminster the sixteenth day of November in the seventh year of our Reign.

No. 12.

ANOTHER CHARTER and Confirmation of the same King Richard the second made in the twelfth year of his Reign for the fine of forty shillings because the said Town by misfortune had been often burnt. (1388-9).

RICHARD by the Grace of God King of England and France Lord of Ireland To the Archbishops Bishops Abbots Priors Dukes Earls Barons Justiciaries Sheriffs Officers Ministers and all Bailiffs and faithful subjects Greeting.

Reciting the Charter of Edward III and the previous Charters.

We ratifying and confirming all and singular the Grants and Confirmations aforesaid and the Charters aforesaid and all and singular the things in them contained Do for ourselves and Heirs as much as in us lies by the Tenor of these presents grant and confirm to our beloved the present Burgesses of the said Town of Lancaster and their Heirs and Successors for ever as the aforesaid Charters reasonably testify, moreover being willing to do more ample favor in this behalf to the aforesaid Burgesses of the Town of Lancaster We for ourselves and our Heirs have granted and by this our Charter have confirmed to the said Burgesses their Heirs and Successors That although they or their Predecessors Burgesses of the Town aforesaid have on any Emergency not fully used the Liberties and Acquittances aforesaid or any of them the said Burgesses their Heirs and Successors notwithstanding may from henceforth fully enjoy and use the Liberties and Acquittances aforesaid or any of them for ever without lett or hindrance of Us or our Heirs our Justiciaries Escheators Sheriffs or other our Bailiffs or Ministers whatsoever.

WITNESSES hereof the venerable Fathers W. Archbishop of Canterbury Primate of all England Thomas Archbishop of York Primate of England our Chancellor W. of Winchester Richard of London J. of Hereford our Treasurers J. of Salisbury Keeper of our Privy Seal Bishops, Edmund Duke of York, Thomas Duke of Gloucester our well beloved Uncles, Richard of Arundell, Thomas de Beauchamp of Warwick, William de Montague of Salisbury Earls, Richard Leshop John Devereux Steward of our Household Peter de Courtenay our Chamberlain and others GIVEN by our own Hand at Westminster on the sixth day of February in the Twelfth year of our Reign.

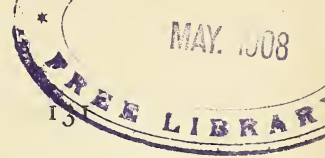
Gandeby.

By the King himself, for the Fine of Forty Shillings and because the Town aforesaid by Misfortune has been often burnt.

THE CHARTER and Confirmation of King Henry the fourth reciting Grants at large, in the 1st year of his Reign. (1399-1400).

HENRY by the Grace of God King of England and France and Lord of Ireland To the Archbishops Bishops Abbots Priors Dukes Earls Barons Justiciaries Sheriffs Officers Ministers and all Bailiffs and faithful subjects Greeting Reciting the Charter of Richard II and previous Charters.

And we ratifying and confirming all and singular the Grants and Confirmations aforesaid and the Charters aforesaid and all and singular the things in them contained Do for ourselves and our Heirs as much as in us lies by the Tenor of these Presents grant and confirm to our beloved the present Burgesses of the said Town of Lancaster and their Heirs and Successors for ever as the Charters aforesaid reasonably testify And furthermore being willing to do more ample favor in this Behalf to the aforesaid Burgesses of the Town aforesaid we have granted and by this our Charter have for ourselves and our heirs confirmed to the said Burgesses their Heirs and Successors That although they or their Predecessors Burgesses of the Town aforesaid on any Emergency have not fully used the Liberties and Acquittances aforesaid or any of them the said Burgesses their Heirs and Successors notwithstanding may from henceforth fully enjoy and use the Liberties and Acquittances aforesaid and any of them for ever without Lett or Impediment of us or our Heirs or Justices Escheators Sheriffs or other our Bailiffs or Ministers whatsoever WITNESSES hereof the venerable Fathers Thomas of Canterbury Primate of all England Richard of York Primate of England, Archbishops, Richard of London, J. of Ely, and G. of Exeter, Bishops, Edmund Duke of York our well beloved Uncle, Thomas of Warwick, Henry of Northumberland, Ralph of Westmorland, Earls, John de Scarle our Chancellor and John de Northbury our Treasurer William Roos de Hamelak William de Willughby John de Cobham Thomas de Erpingham our Chamberlain Thomas de Rempston



Steward of our Household Master Richard de Clifford Keeper of our Privy Seal and others GIVEN by our own Hand at Westminster on the first day of March in the first year of our Reign.

Stanley.

By Writ from the Privy Seal

Ex^d by William Aughton

and

John Pigot.

} Clerks.

No. 14.

A GRANT of King Henry the fourth to the Burgesses of Lancaster for the free passing and Toll Free in England and Ireland.

HENRY by the Grace of God King of England and of France and Lord of Ireland. To the Deputy Lieutenant of our Land of Ireland and to our Chancellor there. Also to all Mayors Sheriffs Bailiffs Constables Customers Comptrollers Searchers and to other our Officers Ministers true Liegemen and Subjects within the same our Land and to every of them these our Letters having or seeing Greeting, for as much as our noble Progenitors among other Freedoms Liberties and Priviledges heretofore granted unto the Burgesses and Commonalty of our Town of Lancaster sufficiently discharged them and their Successors for ever of all manner of Tolls and Lastages within this our Realm of England and Ports of the same. And also granted unto them like Liberties and Freedoms as well within our Land of Ireland as in all places of our obeisance as have our subjects of our City of London of our Towns of Northampton and of Bristoll by reason whereof the Burgesses and Inhabitants of our said Town of Lancaster pretend to be discharged of all Toll and Lastages within our said Land of Ireland. We considering the Premises and as greatly tending the Weal Proffit and Advancement of the same our Town of Lancaster as did heretofore any our noble

Predecessors have therefore determined that the said Grants shall stand and persevere in their full strength and virtue wherefore we charge and strictly command you to make diligent search in the Records among you whether our subjects of London Northampton and Bristol aforesaid be exempted and discharged of Tolls and Lastages within our said Land of Ireland and if they so be We then will that you allow our subjects of Lancaster aforesaid in likewise in that Behalf so that they may fully enjoy their said Grants without any your Interruptions as ye intend to please us and will answer therefore at your Peril. GIVEN under our Signet at our Castle of Nottingham the twenty-sixth day of August, the eleventh year of our reign. (A.D. 1410.)

No. 15.

A PARDON granted by King Henry the fifth for all Trespasses, Offences, Misprisions, Contempts, Liveries, Outlawries, &c. incurred or committed by the Mayor Bailiffs and Commonalty of the Town of Lancaster. (Original in Latin).

HENRY by the Grace of God King of England and France and Lord of Ireland to all Bailiffs and faithful subjects to whom these present Letters shall come Greeting Know ye that of special Grace and with the consent of the Lords Spiritual and Temporal and at the request of the Commonalty of our Realm of England in our Parliament assembled in the second year of our Reign we have pardoned and remitted to Richard de Elslake Mayor of the Town of Lancaster and the Bailiffs and Commonalty of the said Town by whatsoever names they may be denominated All manner of Trespasses Offences Misprisions Contempts and Impeachments by them before the eighth day of December in the said second year against the Form of the Statutes concerning Liveries of Coats and Caps committed or perpetrated whereof Punishment might be inflicted by Fine and Redemption or by other pecuniary Penalties or Imprisonments the aforesaid Statutes notwithstanding

so nevertheless that the present pardon and remission may not tend to the Loss Prejudice or Derogation of any other Person than ourselves only And moreover of our mere Motion from Reverence of God and Impulse of Charity we have pardoned the said Mayor Bailiffs and Commonalty the Suit of our Peace which to us against them pertains and for all manner of other Trespasses Offences Neglects Extortions Misprisions Ignorances Contempts Concealments and Deceits by them of whatsoever kind done or perpetrated before the eighth day of December whereof they stand judged charged or called And also of Outlawries if any shall on those Accounts have been published against them And our Firm Peace we therefore grant to them So notwithstanding that they may stand recti in Curiâ nostrâ if any one shall chuse to speak against them concerning the Premisses or any of the Premisses And furthermore of our more abundant Favor we have pardoned and remitted to the said Mayor Bailiffs and Commonalty all manner of Escapes Felonies Chattels of Felons and Fugitives Chattels of Outlaws and Felos de Se Deodands Wastes Impeachments and all manner of Articles Destructions of Roads and Trespasses of Forest or Hunting the selling of Wood within the Forest and without and of other things whatsoever before the said eighth day of December within our County of Lancaster may emerge and happen whereof Punishment might be inflicted by Demand Debt or by Fine and Redemption or by other Pecuniary Penalties or by Forfeiture of Goods and Chattels or Imprisonment or Amerciaments of the Commonalties of Towns or of single Persons or by Incumbrance of frank Tenement of those who never have trespassed as of our Heirs Executors or Occupiers Escheators Sheriffs Coroners and others of that kind and all that which might appertain to us against them from the causes aforesaid And also all manner of Donations Alienations and Perquisites by them from Lands and Tenements held in Capite of us or our Progenitors formerly Kings of England And also Donations Alienations

and Perquisites made and held in Mortmain without the King's Licence And also all manner of Intrusions and Entries by them made into their Inheritance in part or in toto after the Death of their Predecessors without due Prosecution of the same out of the King's Hand before the eighth day of December together with the Issues and Profits from thence in the meantime accrued And also we have pardoned and remitted to the aforesaid Mayor Bailiffs and Commonalty all manner of Fines awarded Amerciaments Issues Forfeitures Reliefs Scutages and all manner of Debts Compositions Payments Arrearages of Farms and Compositions of what kind soever to us due and pertaining on the twenty first day of March in the first year of our Reign. And also all manner of Actions and Demands which we alone have or might have against them or We jointly with any other Person or Persons And also Outlawries published against them for any of the Causes aforesaid And we moreover have pardoned and remitted to the said Mayor Bailiffs and Commonalty all manner of Penalties before the said eighth day of December forfeited before us or our Council Chancellor Treasurer or any of our Judges for any Cause and all other Penalties as well to Us as to our dearly beloved Father deceased for any Cause before the said eighth Day of December in like manner forfeited and levied to our use. And also all manner of Securities of Peace before that eighth day of December forfeited So that this our present Pardon touching the Premises or any of the Premises may not tend to the Loss Prejudice or Derogation of any other Person than our Person only In witness whereof we have caused these our Letters to be made Patent WITNESS myself at Lancaster on the eighteenth day of March in the third year of our reign. (1415-6).

No. 16.

THE FOLLOWING copies of Inquisitions &c. concerning the Deepcarrs were inrolled in the Vellum Book Page 51 but the

other evidence and Deeds relating thereto mentioned in the following Memorandum are now wanting.

Memorandum. THE Evidence and Deeds for the Deepcarrs be about twenty three years contained in a Box whereupon this Letter M is written, some of them Offices for John of Gant the Duke, some Petitions as well to the Duke as to King Richard the second, and Henry the fourth, with Writs and Inquisitions touching the same, and because some of them be dim, some torn &c. I have chosen forth these following to enroll.

THE First Verdict for the Deepcarrs taken in the time of King Henry the fourth.

AN INQUISITION taken at Lancaster before William Gascoign chief Justice and Richard de Houghton chief Steward of our Lord the King within the County Palatine of Lancaster on Monday in the fourth week of Lent, in the fifth year of the Reign of King Henry the fourth after the Conquest of England, Upon the Oaths of John de Heverington, James de Sline, Richard Crofte, Henry de Carleton, Thomas de Dacre, John Philipson Forester, William de Berdsey, William de Green, Thomas de Hornebie &c. Who say upon their Oaths that truely the Parcel of Pasture and Waste called Deepcarr contained in the Town belongs to the Mayor Bailiffs and Commonalty in the Borough of Lancaster and their Predecessors time out of mind and did not belong to John lately Duke of Lancaster and that the said Parcel belongs to them and to the aforesaid Burgesses only as a part of their Farm of the Borough of Lancaster aforesaid In witness whereof &c.

HENRY by the Grace of God King of England and of France and Lord of Ireland to our well beloved and trusty Richard de Norton and William Leysingby our Justices at Lancaster Greeting, sheweth that our well beloved Subjects and Tenants the Mayor and Burgesses of the Town of Lancaster, that as a Parcel of Pasture called Deepcarrs within our said Town of the value of Forty Shillings per annum was lately

seized by Robert Urswick Knight Junior Steward of our Trething, Altho' John lately Duke of Lancaster pursuant to an Inquest of Office legally taken by him in the County of Lancaster, which Parcel then belonged to them as a part of the Farm of the said Town, so it has been since found twice, when William Gascoyne lately chief Justice of our Exchequer and in Eyre at Lancaster by two Inquests and also as long as Court Records can shew, Because of this seizure so made by the said Robert the said Mayor and Burgesses cannot have the Profits arising therefrom they have supplicated Us for a remedy We being willing as well for ourselves as for our said Mayor and Burgesses full Right to be made in this Party We give you notice that at our next Sessions to be holden at Lancaster to make enquiry upon Oath of the most sufficient and most Loyal Persons in the said County to the end that the truth may be made known concerning all the said Matter and all other Articles and Circumstances the full truth thereof, and as soon as it shall be found, then you do certify to our Council of our Dutchy of Lancaster at Westminster under your Seals and the Seals of those for whom the said Inquest shall be taken, as soon as can well be done, together with this, without Default, and in no manner to fail therein. GIVEN under our Seal of our Dutchy of Lancaster at our Palace of Westminster the eighth day of October and in the second Year of our Reign.¹

THE SECOND VERDICT for the Depecarrs taken at Lancaster in the second year of King Henry the fifth. (1414-5).

AN INQUISITION taken at Lancaster before Richard de Norton and William de Leysingby Justices of our Lord the King within the County of Lancaster on Thursday in the fourth Week of Lent in the second year of the reign of King Henry the fifth after the Conquest of England upon the Oaths of William Botiller Knight Richard de Righley Kt. Richard de

¹Translated from the French by Robt. Tomlinson.

Radclif Kt. Ralph de Radcliff Gilbert de Barton Henry de Scaresbreke Robert de Halsall Thomas de Rigmaiden Richard de Townley Thomas de Dacre Hamon le Masly and John Travers of Kertmell, who say upon their oaths that truely the Parcel of Pasture and Waste called Depecarrs contained in the Town of Lancaster belongs and hath belonged to the Burgesses of the Town and Borough of Lancaster and their Predecessors time out of mind and did not belong to John lately Duke of Lancaster nor doth it now belong to the King, but that it belongs to them and to the aforesaid Burgesses only and a Parcel of their Farm of the aforesaid Borough of Lancaster &c.

THE FOOT of the Accompts taken of the Auditors for the said Depecarrs wherein the Arrearages of the Rent unpaid to the King for the same and behind when the Burgesses recovered the same was allowed in the foot of the Account of William Singleton Bailiff of Escheator for the Town of Lancaster in the third year of our Henry son of King Henry the fourth is contained as follows :—

And they owe xviii which are allowed to the Mayor and Burgesses of the Town of Lancaster for the Farm of their Meadow called Depekerr over charged for this year and seven years proceeding xls per Annum because that the said Meadow is a part of the Farm of the aforesaid Town and always was as set forth by divers Inquisitions taken before William Gascoigne formerly chief Justice and Richard Houghton Chief Steward by virtue of Letters Patent of the late Lord the King and of our present Lord the King, for which cause our Lord the King hath commanded by letter directed to his Auditor for discharging the said Mayor and Burgesses of the Rent of the said Meadow with the Arrearages of the same henceforth for ever that the said Letter remain within Warrant of the Year following and so it do remain.

IN THE ACCOUNT of the aforesaid William the said Bailiff in the fourth year of the aforesaid King is contained :—

That xls of the rent of the said Meadow called Depecarre lately charged on the Mayor and Burgesses of the said Town,

Nothing be charged now nor for the future, as that it is a Part of the Farm of the aforesaid Town, and always was held free by divers Inquisitions taken before William Gascoigne lately Chief Justice and Richard Houghton Chief Steward by virtue of Letters Patent of the late Lord the King and of our present Lord the King for which cause our Lord the King hath commanded by his Letter directed to the Auditor for discharging the said Mayor and Burgesses of the Rent of the said Meadow henceforth for ever that the said Letter remain within Warrant of this Year.

There is also a beautifully written Warrant from Henry 4th or 5th dated at Lancastre VII die Augusti Anno regni nri octavo to John Croft and Nicholas Elslake for Richard Elslake Mayor and the Burgesses of the vill of Lancaster to take into their custody the small piece of land near the vill called le Depcarre.

No. 17.

A CONFIRMATION made by Henry the fifth in Parliament by the Lords Spiritual and Temporal of all the Liberties of Lancaster reciting especially the Fairs and Markets, a Gild, the Sessions to be kept in Lancaster and not elsewhere within the County of Lancaster.

HENRY by the Grace of God King of England and France and Lord of Ireland to all to whom these present Letters shall come Greeting Reciting the Charter of Henry IV and other Charters. And we do with the advice of the Lords Spiritual and Temporal in our Parliament held at Westminster in the first year of our Reign assembled accept approve and do confirm to our beloved the present Burgesses of the Town aforesaid and their Heirs and Successors the Charters aforesaid concerning such manner of Liberties Franchises and Acquittances in no wise revoked As the aforesaid Charters do reasonably testify And as the said Burgesses ought to use and enjoy the Liberties Franchises and Acquittances aforesaid and they and their Predecessors have always hitherto from the time of the

making of the Charters aforesaid been accustomed reasonably to use and enjoy those Liberties Franchises and Acquittances In witness whereof we have caused these our Letters to be made Patent WITNESS myself at Westminster on the fifth day of January in the eighth year of our Reign. (1420-1).

No. 18.

A COPY of the GRANT for the Statute Merchant by King Henry the Sixth in the tenth year of his Reign. (1432).

HENRY by the Grace of God King of England and France Lord of Ireland to all to whom these present Letters shall come Greeting Know ye that we at the supplication of our beloved subjects the Mayor Bailiffs Burgesses and Commonalty of our Town of Lancaster by the advice and consent of the Lords Spiritual and Temporal in our present Parliament assembled we have granted for Us and our Heirs as much as in us lies to the Mayor of the said Town and his Successors for the time being and to whatsoever Clerk under him by us from time to time to be named Power and Authority of admitting and recording all Manner of Recognizances Statute Merchant and Debts of whatsoever Debtors they may be coming before them in the said Town to make such Recognizances that in all things they may and execute such in the same manner and Form as is ordered by the Statute Merchant and by the Statute of Acton Burnell and so freely and fully as the same Statute may be used executed and established in any City Borough or other Town within the Kingdom of England In witness whereof we have caused these our Letters to be made Patent GIVEN at Westminster the Twelfth day of May in the tenth year of our Reign.

No. 20.

¹THE CHARTER of King Henry the Seventh (? Eighth) confirming the Grants beforegoing in the 3rd year of his Reign.

¹This may be the Charter of Henry the eighth, as Richd. Nelson was Mayor in the third year of his reign, and other circumstances concur.

HENRY by the Grace of God King of England and France and Lord of Ireland To all to whom these present Letters shall come Greeting Reciting the Charter of Henry late King of England the sixth after the Conquest and previous Charters.

And we ratifying and confirming the Charters aforesaid and all and singular the things in the same contained Do for ourselves and our Heirs as much as in us lies accept and approve and by the Tenor of these Presents do ratify and confirm to our beloved Richard Nelson present Mayor and the Burgesses of the Town aforesaid and their Heirs and successors for ever as the Charters aforesaid do thereof reasonably testify In witness whereof we have caused these our Letters to be made Patent.

WITNESS myself at Lancaster on the twenty eighth Day of May in the third year of our Reign.

By the King himself and his Council of the Duchy of Lancaster.

No. 21.

A PRECEPT and Authority from the King to the Lord Strange and others to assist the officers of Lancaster in taking the Tolls of Cowen Bridge. (1511-2).

HENRY by the Grace of God King of England and of France and Lord of Ireland To our trusty and right entirely beloved brother the Lord Strange our trusty and well beloved Knights for our body Sir Edward Stanley Sir Richard Tunstall and Sir James Laurence and to every of them Greeting Whereas we be credibly informed that our Bailiffs and officers of our Town of Lancaster been disturbed and letted in taking of their Toll and Custom at Collon Brigge within our County of Lancaster and pay to us a fee farm yearly for the same the which they of old time have had and held by the Authority of the Grant of our Noble Progenitors We willing our said Town and the Inhabitants of the same to have and enjoy all such Liberties and Franchises as they have had and

held in time past for the said fee Farm as well for their Relief as for the surety of our said Duty growing out of the same Wherefore we will and desire you and nevertheless charge you that ye and every of you comfort aid and assist our said Bailiffs and other Officers of our said Town for the Time being from time to time as well in taking of their said Toll and Custom at the said Brigge as in keeping of all other their said Liberties and Franchises of the same as our trust is in you and as ye intend to do us singular Pleasure GIVEN at our City of London under our Seal of our Duchy of Lancaster the tenth day of March the third year of our Reign.

By the Council of our Duchy aforesaid.

Heydon.

No. 22.

A CONFIRMATION of Edward the Sixth, relating to Tolls, &c. (1547).

EDWARD the sixth by the Grace of God of England France and Ireland King Defender of the Faith and of the Church of England and Ireland supreme Head in the land To all and singular the Justices Sheriffs Escheaters Coroners Stewards Mayors Bailiffs Officers and all other faithful subjects Greeting, whereas Lord Edward late King of England our Progenitor hath granted for himself and his Heirs to JOHN late Duke of Aquitain and Lancaster by the name of John Duke of Lancaster and Blanche late his wife that they and their Heirs of the Bodies of the said Duke and Blanche begotten and their People of the Land and Fee which belonged to Henry formerly Earl of Lancaster Father of Henry late Duke of Lancaster from the seventh Day of May in the sixteenth year of the Reign of our said Progenitor may be for ever free from Toll Pannage Passage Lastage Tallage Carriage Prisage Picage and Terrage throughout his whole Kingdom and Dominion. And afterwards Lord Richard late King of England the second after the conquest by his Charter granted to the aforesaid John late Duke of Aquitain and

Lancaster that he during his whole life should have all Fines and Trespasses and other Misdemeanours whatsoever And also Fines for Kings Silver and all manner of other Fines Redemptions and Amerciaments from what Cause soever or by what cause soever arising, and also Issues of Forfeiture from all Persons and Tenants of and in the Land and Fee of the aforesaid Duke and of and in all Persons resident within the said Land and Fee Although the said Persons may have been Tenants or Resident Ministers of the late King Richard himself or of his Heirs And that the said Duke for his whole life should have whatsoever Forfeitures Year Day and Waste and Estrepement and whatsoever to him the late King Richard or his Heirs might appertain of Year Day and Waste and Estrepement Forfeiture and Murder within the Land and Fee aforesaid in whatsoever Courts of them and their Heirs or in whatsoever Court of any other it might happen And that the said People Tenants or Residents might be fined or amerced or forfeit Issues Or that the aforesaid Year Day Waste Estrepement Forfeiture or Murder might be amerced as well in the Presence of him the late King Richard and of his Heirs as in the Absence of him and his Heirs and as well before him and his Heirs in his and their Chancery And also before the Treasurer and Barons of the Exchequer of him and his Heirs And before the Justices of Common Pleas of him and his Heirs And before the Steward or Coroner of the Household of him and his Heirs or the Clerk Marshal for the time being and in other Courts of him and his Heirs As before his Justices in Eyre of Common Pleas and of Pleas of the Forest Justices of Assize and Gaol Delivery and before whatsoever other Justices and Ministers of him and his Heirs As well in the Presence of him and his Heirs As in the Absence of him and his Heirs So fully and intirely as the said late King Richard would have had them if he had not granted them to the aforesaid Duke So that the aforesaid Duke might by the Hands of his Bailiffs and other Officers levy receive and have

the Fines Redemptions and Amerciaments of the said Persons Tenants and Residents of and in the Land and Fee aforesaid, Issues, Forfeitures and whatsoever to the late King Richard himself or his Heirs might appertain of Year Day Waste Estrepement Forfeiture and Murder of and in the Land and Fee aforesaid which before the Justices in Eyre of Common Pleas and of Pleas of Forest and before the aforesaid Steward Marshal Coroner or Clerk Marshal might happen to be made or awarded by the Estreat of the said Justices in Eyre in their Circuits and the aforesaid Steward Marshal Coroner or Clerk of his Sessions Bailiff Officer of the said Duke therefrom to be released. And also Fines Redemptions and Amerciaments from the Persons Tenants or Residents aforesaid And Issues of Forfeitures and all things which to him the late King Richard or his Heirs might appertain of Year Day Waste and Estrepement Forfeiture and Murder of and in the Land and Fee aforesaid which before him or his Heirs either in the Chancery of him and his Heirs or before the Treasurer and Barons of the Exchequer of him and his Heirs or before the Justices of Common Pleas of him and his Heirs or before his Justices of Assize and Gaol Delivery or Justices of Oyer and Terminer of Trespasses and Felonies assigned or before any other Justices and Ministers whatsoever of Him and his Heirs might happen to be fined or amerced by Estreat from the Exchequer of him and his Heirs to the Bailiffs and Officers of the aforesaid Duke by the Hands of the Sheriff in whose Bailiwick the said Land or Fee shall be therefrom to be acquitted without Lett or Impediment of him the late King Richard and his Heirs the Justices Sheriffs Escheators or other Ministers of him or his Heirs whatsoever, and that the aforesaid Duke during his whole Life might by himself and his Ministers in all the Lands and Fee aforesaid as well in the Presence of him the late King Richard and his Heirs as in the Absence of him and his Heirs might make and have Assay and Assize of Bread Wine and Ale and all Manner of other Victuals

whatsoever and of other Things to the office of Clerk of the Market and of his Heirs appertain for the Punishment of the same as often and when it might be expedient and necessary And also might have and receive Fines and Redemptions Amerciaments and all manner of Profits from thence arising So that the Clerk of the Market of him the late King Richard and of his Heirs might not enter the said Lands and Fee for doing or executing any Matters to the office aforesaid pertaining And that the said Duke during his whole Life might have Chattels of Felons and Fugitives as well of Felos de se as of any others whatsoever and of outlaws from whatsoever Cause of all Persons and Tenants of and in the Lands and Fee aforesaid, and also of all Tenants within the said Lands and Fee although the said Persons might have been Tenants or resident Ministers of him the late King Richard or of his Heirs So that if anyone of the Persons and Tenants of and in the Lands and Fee aforesaid or any of the Residents in the aforesaid Land and Fee or any other Person in the said Lands and Fee for any Misdemeanor whatsoever ought to lose Life or Limb or fled and would not stand Trial or committed any other Trespass for which he ought to lose his Chattels in which Place justice ought to be executed upon him Either in the Court of him the late King Richard or of his heirs Or in other Courts his Chattels should be the Property of the aforesaid Duke And it might be lawful for him or his officers to put themselves in Seisin of the said Chattels and the said Chattels for the use of the aforesaid Duke to levy and retain without Lett or Impediment of him the late King Richard or of his Heirs the Sheriffs Escheators or other Bailiffs or Ministers of him and his Heirs whatsoever And that the aforesaid Duke during his whole Life should have the return of all Writs of him the late King Richard and of his Heirs And also Summonses Extracts and Precepts out of the Exchequer of him and his Heirs and Estreats and Precepts of Justices in Eyre of him and his Heirs as well of Pleas of Forest as of Common Pleas and other Justices whatsoever

And also attachments as well from Pleas of the Crown as of others in all the Lands and Fee aforesaid And that the aforesaid Duke during his whole Life by himself and his Bailiffs and officers should have in the said Lands and Fee the Execution of the said Writs Summonses Estreats and Precepts So that no Sheriff Bailiff or other Officer of him the late King Richard or of his Heirs the aforesaid Lands and Fee should enter for any office or for doing anything touching his office unless in Defect of the said Duke or his Ministers And moreover the said late King Richard by his said Charter granted for himself and his said Heirs that if any Sheriffs Bailiffs of Liberties Hundreds or Wapontakes should be negligent or remiss in any Executions for the said Duke by Writs or Mandates of him or his Heirs or in any other Manner to be done by which it might happen that they might be amerced or fined in the Exchequer or in other Courts of him or his Heirs. Such manner of Fines and Amerciaments should be the Property of the aforesaid Duke and that they should be levied for the service of the said Duke by his officers aforesaid during his Life And that the aforesaid Duke during his whole Life should have within the aforesaid Lands and Fee all Manner of Chattels called Waif and Stray Deodands Treasures found and other Things or Chattels found And that the said Duke by himself and his officers might seize and take at his pleasure for the service of the aforesaid Duke Waif and Stray Deodands Treasures found and other Things found aforesaid And that the aforesaid Duke during his whole Life should have whatsoever Goods and Chattels called Manopera to be taken or taken with whatsoever Person within the Land and Fee aforesaid and by the same Person before whatsoever Judge Advocate, and Henry the fourth late King of England from certain knowledge and with the Consent of his Parliament by his Charter hath granted and declared and ordained for himself and his Heirs that as well as in his Duchy of Lancaster as in all and singular the Counties Honours Castles Manors Fees Possessions and Domains to the

said late King is granted before he reached the Summit of his Royal Dignity of what kind soever and wheresoever by Right of Inheritance in the Domain or Reversion or otherwise of what sort soever such and such like Liberties Royalties Customs and Franchises in all things and throughout all he had and exercised continued done and used and by such officers and Ministers as in the time of their Progenitors and Predecessors in the said Duchy County Castles Manors Fees and other Possessions and Lordships aforesaid were accustomed to be used and had and ruled governed by Virtue of the Charters thereupon made And whereas in the Parliament of Lord Edward late King of England the fourth held at Westminster on the fourth day of November in the first year of his Reign by the Authority of the said Parliament amongst other Things it is ordered and established that the Tenants and Inhabitants of and in the said Duchy should have and exercise such and all such like Liberties Franchises Priviledges and Customs and the same enjoy and use what such or which the officers Ministers Tenants and Inhabitants of the said Duchy in the time of Henry the fifth had exercised used and lawfully enjoyed And also that in the said Duchy all such Liberties Franchises Customs Priviledges and Jurisdictions should be exercised had and occupied as in the same before the said fourth day of March shall have been lawfully used And that the Officers Ministers Tenants and Inhabitants of and in the said Duchy according to the said Liberties Franchises Customs Priviledges and Jurisdictions should be treated and conducted and to the contrary not to be distrained arrested or compelled in any manner whatsoever, therefore we do command you that all and singular the Liberties Customs Franchises and Royalties as well within the Honour Vill and Soc of Knareborough as in all the Members of the same which are Parcell of our Duchy of Lancaster as in other Places whatsoever within our said Duchy of Lancaster be had exercised continued and done And that ye permit the aforesaid Persons

Tenants and Residents to use and enjoy those Liberties Franchises and Customs according to the Tenor of the Ordinances and Letters aforesaid thereupon made them contrary to the Tenor of the same they do not molest in any wise or agrieve, in witness we have caused these our Letters to be made Patent GIVEN at London under the Seal of our Duchy of Lancaster aforesaid the twenty eighth Day of June in the first year of our Reign. (1547.)

By the Council of the Duchy aforesaid.¹

HAYDON.

No. 23.

A CONSTAT granted to George and Edward Baynbryge in the sixth Year of the Reign of Edward the Sixth. (1552).

To all and singular to whom these Presents shall come William Colteman Mayor of the Town of Lancaster, the Burgesses and Commonalty of the Town aforesaid with everlasting happiness in the Lord. Know ye that our Lord Henry late of England France and Ireland King Defender of the Faith and in the Territories of France England and Ireland Supreme by his Letters Patent under his Seal, which are dated at Westminster in the first Year of his Reign hath granted, confirmed, ratified and approved to his Burgesses of the Town of Lancaster aforesaid and their Successors for ever, that they or any of them and their Successors be and shall be exonerated from all Passage-toll, Thorough-toll, Bridge-toll, Stallage, Poundage, Tonnage and Lastage; And also from all other Exactions and Demands, which shall be demanded or levied upon them for all their Wares or Merchandises, bought or sold or to be bought or sold throughout his whole Kingdom of England and the Cities, Villages, Ports and Islands of his said Kingdom of England whatsoever. And also through all the Sea Ports and Islands Cities and Villages of Ireland, Wales, and the Isle of Man, according to the Tenor of Divers Charters of

¹Translated by James Wilson.

the Predecessors of the said late King made for himself on his Part, as is also more fully expressed in his Letters patent, in the possession of us the aforesaid Mayor Burgesses and Commonalty. And we the aforesaid Mayor Burgesses and Commonalty of the Town aforesaid as well by Virtue of the aforesaid Letters patent, as by the Tenor of these Presents do testify that George Baynbryge and Edward Baynbryge are Burgesses of the aforesaid Town of Lancaster for whom we the aforesaid Mayor Burgesses and Commonalty of the aforesaid Town do specially demand that whenever, how often so ever, and at all Times whatsoever when the said George and Edward Baynbryge or either of them, or their Agents, or those of either of them come or shall come to the Cities, Villages or other Places within the Kingdom of England, the Ports and Islands of Ireland, Wales or of the Isle of Man with their Wares or Merchandises that they the said George and Edward Baynbryge and each of them be exonerated and freed from Passage-toll, Thorough-toll, Bridge Toll, Stallage, Poundage, Tonnage and Lastage and all other Exactions whatsoever in such manner as is appointed by the aforesaid Grant, and in witness of all and singular these Grants, We the aforesaid Mayor Burgesses and Commonalty of the Town of Lancaster aforesaid with unanimous consent and assent have affixed to these Presents as well the Seal of our Mayoralty as the common Seal of the said Town of Lancaster Dated at Lancaster aforesaid in our Court-house there, called the Tollbooth, the twentieth Day of April, in the sixth year of the Reign of Edward the sixth by the Grace of God King of England France and Ireland Defender of the Faith and in the Teritories of France England and Ireland Supreme.

No. 24.

A COPY of a Lease granted to John Standish by the Mayor Bailiffs and twelve head Burgesses of Lancaster in the nineteenth year of King Henry the Seventh.

THIS INDENTURE made the twelfth day of June the nineteenth year of the Reign of King Henry the Seventh between Robert Hirdeman, Mayor of the Town of Lancaster, William Greves and John Curwen, Bailiffs of the same Town, Laurence Starky, Christ. Lemyng, Ric^d Nelson, Gilbert White, Robt Ley thelder, Richd. Rawson, and others the twelve head Burgesses of the same Town of that one Part and John Standish of Lens Gentleman of that other Part Witnesseth that the said Mayor Bailiffs and twelve head Burgesses aforesaid together with the Assent and Consent of all the Commonalty of the same Town have demised granted and to farm letten to the said John Standish and his Assigns all such Lands and Meadow as pertaineth to the Herber house of Lancaster that is to say a Parcel of Meadow in the holding of Henry Dolett which gives by year vi^s. Half an acre of Land now in the holding of the wife of Thomas Edmondson by year xvi^d a Rood of Land late in the holding of Christ^r Lemyng by Year viii^d. To have and to hold all the said Meadow and Lands with the Appurtenances to the said John and his Assigns from the Day of the Date hereof unto the end and Term of Twenty Years next and immediately following the same for which the said John Standish granteth that he and his Assigns shall well and sufficiently uphold and repair the said Herber house in Walls Timber Thatch and Dawbe during the said Term of twenty Years and leave the same sufficiently repaired at the end of the said Term by the on sight and discretion of four indifferent Burgesses of the same Town to be chose between the said Parties by the Mayor of the same Town for the time being chance of Fire always excepted. Also it is covenanted and agreed upon by the said Parties that the said John shall within the said Term of Twenty Years bestow one Book called a Myssall a Chalice of Silver and Parcel of gilt compleat Vestments and Alter Cloaths clii^s iii^d. by the on sight and discretion of the said Mayor Bailiffs and twelve head Burgesses of the said Town for the time being. Which Book Chalise

Vestments and Altar Cloaths shall remain in the Priests keeping to the use of St. Patricks Chapel as long as he shall serve in the said Chapel and at his departing from the said service he to re-deliver all the said stuff to the Mayor and Officers of the said Town of Lancaster to the Use of the said Service for ever. And the said John granteth and permitteth by this writing that he shall find all such things necessary as to the said Chapel and Priest belongeth as is above rehearsed upon his own proper costs unto such Time as he shall bestow the said 153^s 4^d in form aforesaid and it is agreed that the said John Standish shall not discharge nor put forth any Tenant that holds any Lands or Meadow pertaining to the said Herberhouse as long as they shall pay the Farm thereof at Days and Terms in Lancaster usual. And that all and Singular Covenants Grants and Premises above rehearsed on the Part of the said John Standish well and truly shall be performed and kept the said John together with Robt. Thomlynson and John ——— of Lancaster bindeth themselves to the said Mayor in an obligation bearing Date the Day of the making hereof in xx^{li} to the Use of the Commonalty of the said Town of Lancaster as in the condition of the said obligation it will more appear.

IN WITNESS whereof the said Mayor and Burgesses to that one Part of this writing indented remaining with the said John Standish have set their Common Seal and to the other Part thereof remaining in the Hands of the said Mayor and Burgesses the said John Standish hath set his Seal Dated at Lancaster the said Twelfth Day of June the nineteenth Year of our said Sovereign Lords Reign King Henry the Seventh. (1504).

No. 25.

A DECREE of the Chancellor and Council of the Dutchy of Lancaster and under the Dutchy Seal exemplified for and touching the Assizes and four Quarter Sessions to be holden at Lancaster. (1557).

PHILIP AND MARY by the Grace of God King and Queen of England Spain France the two Sicilys Jerusalem and Ireland Defender of the Faith Archduke of Austria Duke of Burgundy Milan and Brabant Count of Aspurge Flanders and Tirol To all to whom our present Letters shall come Greeting We have perused the Tenor of that Decree or Record in the Chancery of our Dutchy of Lancaster remaining and being at Westminster among the Records of the said Dutchy there in these words At the term of Saint Michael in the third and fourth year of our Reign Where the Mayor Bailiffs and Commonalty of the Town of Lancaster in the County of Lancaster have in this present Term of Saint Michael the Archangel in the third and fourth year of the Reign of our Sovereigns Lord and Lady King Philip and Queen Mary that now be exhibited one Bill of Complaint to the Chancellor and Council of the Dutchy of Lancaster Alledging by the same that the most noble Prince of famous memory King Edward the third sometime King of England one of the Queen's Majesty's most noble progenitors by his grant Letters patent under the Great Seal of England bearing date at Westminster the thirteenth day of November in the thirty sixth year of his most noble reign at the supplication and request of his well beloved son John then Duke of Lancaster did Grant And by the same Letters Patent confirm for him and his Heirs to the Mayor Bailiffs and Commonalty of the said Town of Lancaster then being and to their Heirs and Successors That all Pleas and Sessions in the said County of Lancaster should from thenceforth be holden and kept in the said Town of Lancaster as in the chief and principal Town of the same County And not elsewhere in the same County for ever And that the same Grants hath been confirmed by divers and many of the King and Queens most noble progenitors as well King of England as Duke of Lancaster And also further alledging, by their said Bill That the said Complainants and all their predecessors quietly and peaceably had and enjoyed the same Liberty as a

chief profit commodity and Advancement of the said Town of Lancaster And that all manner of Pleas and Sessions holden within the said County of Lancaster before all Justices as well of the Assizes Gaol Delivery As also Justices of the Peace hath ever since their said Grants been holden and kept in the said Town of Lancaster according to the same Grants made to them by the said noble King Edward the third untill now of late in the Term of Easter in the fifth year of the reign of our late Sovereign Lord of famous memory King Edward the Sixth one order was made by the Chancellor and Council of this Court for that time being That four Quarter Sessions of the Peace should be Yearly from thenceforth holden and kept at Lancaster aforesaid And four other Quarter Sessions of the Peace should be yearly holden and kept at Preston in Amounderness in the said County of Lancaster And other four Quarter Sessions of the Peace should from thenceforth be holden and kept at Wigan and Ormskirk in the said County of Lancaster And also that Four other Quarter Sessions of the Peace should yearly be holden and kept at Manchester in the said County of Lancaster And that by means of the same Order the liberty of the said Town of Lancaster were greatly infringed and broken to the great decay of the said Town and the Impoverishment of the Poor Inhabitants of the same And further the said Complainants did declare by their said Bill by the force of one other order made in this Court in the Term of the Holy Trinity last past two other Quarter Sessions of the Peace which by the same Order were appointed and assigned to be kept at the said Town of Lancaster were also withdrawn from the same Town of Lancaster And that by the same last Order made in the said Term of the Holy Trinity last past the same two Quarter Sessions be appointed to be holden and kept yearly hereafter at Clitheroe in the said County of Lancaster And that by means of the said two Orders fourteen Quarter Sessions of the Peace be appointed to be yearly holden and kept at the several Towns of Clitheroe Preston in

Amounderness Wigan Ormskirk and Manchester aforesaid And but only two Quarter Sessions of the Peace by the said last Order were appointed to be holden and kept yearly at the said Town of Lancaster And that by such means the Liberties of the said Town of Lancaster were much infringed and broken And the poor Inhabitants of the said Town of Lancaster were very like to be impoverished because the Inhabitants of the said County of Lancaster and others having occasion to be at such Quarter Sessions of the Peace would from thenceforth withdraw themselves from the said Town of Lancaster And that by reason thereof such liberty Advancement benefit and profit as were intended by the said Grant and Letters Patent of the said noble King Edward the third to the predecessors of the said complainants and to their successors should be clearly voided and taken away and the Inhabitants of the said Town impoverished As by the same Bill remaining of Record in this Court more at large it doth and may appear, and forasmuch as Thomas Carus being one of the learned Council with the said Town of Lancaster the twentieth day of October in this present Term of Saint Michael hath opened to the said Chancellor and Council of the said Court at the Barr in the Duchy Chamber the contents of the said Bill of complaint And did also shew forth the said Letters Patent under the Great Seal of England of the said Noble King Edward the third which were there openly read in these words EDWARD by the Grace of God King of England Lord of Ireland Aquitain To the Archbishops Bishops Abbots Priors Earls Barons Justiciaries Sheriffs Governors Officers and all Bailiffs and faithful Subjects Greeting Know ye We of our special Grace and at the Request of our well beloved Son John Duke of Lancaster have granted and by this our Charter have confirmed for Us and our Heirs to our well beloved the Mayor Bailiffs and Commonalty of the Town of Lancaster to their Heirs and Successors that all Pleas and Sessions of whatsoever Justices assigned appointed be kept in the said Town of Lancaster as in the chief Town of the said

County and not elsewhere in the said County for ever Wherefore we will and strictly command for us and our Heirs the aforesaid Pleas and Sessions of whatsoever Justices assigned in the said County should be holden in the aforesaid Town and not elsewhere as is aforesaid WITNESSES whereof The Venerable Fathers Simon Archbishop of Canterbury Primate of all England William Winchester Chancellor and Simon of Ely our Treasurer Bishops, Richard, Earl of Arundel Robert Suff Thomas de Veer of Exeter our Chamberlain Earls Edward le Dispencer Ralph de Nevill John de Nevill John Atte Lee Steward of our Hospital and others given by our hand at Westminster the thirteenth day of November in the thirty sixth year of our Reign, by writ of the Privy Seal. And for that also that the said Court did make the said several Orders without having any Intelligence notice or knowledge of the said Letters Patent or of any such Liberty granted to the said Town of Lancaster As by the same Letters Patent it doth now evidently and plainly appear It is therefore this Day ordered and Decreed by the said Chancellor and Council That all General Sessions of Assizes and Joal Delivery to be appointed shall be yearly from henceforth for ever holden and kept in and at the said Town of Lancaster in the accustomed manner and not elsewhere in the said County And also that four other Sessions of the Peace commonly called Quarter Sessions to be appointed shall also yearly from henceforth for ever be holden and kept at such days as before the making of the said Order made in the said Term of the Holy Trinity last past were prefixed used and accustomed in and at the said Town of Lancaster and not elsewhere in the said County of Lancaster The several Orders or any Clause or Article in the same comprised to the contrary in any wise notwithstanding.

And it is further ordered and decreed by the said Chancellor and Council That all Justices of the Peace Sheriff and Sheriffs of the said County of Lancaster Constables and other officers Free holders and all and every person and persons which before

the making of the said latter Order or Decree made in the said Term of the Holy Trinity last past were bound to give their Attendances or to appear at the said four Quarter Sessions holden at Lancaster aforesaid shall from henceforth come appear and give their Attendances at Lancaster aforesaid at four Quarter Sessions of the Peace to be appointed and assigned Yearly hereafter at such Days As before the making of the said Latter Order or Decree were accustomed the same Order or Decree notwithstanding. And also we have been induced to exemplify by these Presents the Tenor of the aforesaid Decree or Record at the instance of John Hewetson the Mayor of the aforesaid Town of Lancaster John Sowden and (blank in Deed) Bailiffs of the said Town GIVEN at our Palace of Westminster under the Seal of our Dutchy of Lancaster aforesaid the twelvth Day of February in the third and fourth year of our Reign.

By the Council of the Dutchy aforesaid.

HAYDEN.

No. 26.

A PRECEPT to the Mayor Bailiffs and Burgesses of Lancaster not to take Liveries. (1557).

PHILIP AND MARY by the Grace of God King and Queen of England Spain France both Sicilys Jerusalem and Ireland Defender of the Faith Archduke of Austria Duke of Burgundy Milan and Brabant Count of Aspurge Flanders and Tirol To our trusty and well beloved the Mayor and Bailiffs of our Town of Lancaster and to all the Burgesses of the same and to every of them Greeting And whereas we be credibly informed that our said Town is in great Ruin and decay by reason of such variance as that among you hath by means of taking of Liveries and Cognizance and by retaining with several Lords and Gentlemen and others contrary to our Laws and by reason whereof they in times past have often been interrupted and letted to correct and Reform such Trespasses Offences and Misbehaviours as within our said Town hath been used and

attempted contrary to the Liberty and Franchises of the same to the great hurt and impoverishment of our said Town, the which if it should be suffered might cause the same to fall in great Ruin and Decay to the utter Destruction of the same And that we will not in any wise suffer but intend the resistance thereof for your weal, Wherefore we will and strictly charge you and every of you that you do make in our name proclamation within our said Town commanding strictly that no manner of person foreign or other inhabitant of the said Town from henceforth retain any person nor be retained with any person or persons Gentlemen or other by Oath Livery Sign Cognizance or otherwise but as shall and may accord with our Laws Not to make Assemblies nor to come at any Scryes Musters Assemblies commandment of Lords Gentlemen or others but only by our Commission or Commandment under the Seal of our Dutchy of Lancaster or of our Chancellor of our Dutchy of Lancaster for the time being and if any person or persons presume to or attempt the breach of this our Commandment and pleasure we will then that they do certify us of their name or names to the intent that we may provide for Lawful and sharp Punishment in that behalf commanding you straitly as far as in you is that ye see this our intent and pleasure observed and kept as ye and every of you will avoid our high displeasure and answer to us at your Peril GIVEN at our said Palace under our Seal of our said Dutchy the eighteenth Day of July in the third and fourth years of our Reigns.

By the Council of the Dutchy aforesaid.

HAYDEN.

No. 27.

THE CHARTER of Queen Elizabeth in the fifth year of her Reign confirming former Grants. (1562-3).

ELIZABETH by the Grace of God of England France and Ireland Queen Defender of the Faith &c. To all to whom these present Letters shall come Greeting.

Reciting the previous Charters.

And we ratifying and confirming all and singular the Grants and Confirmations aforesaid and the Charters abovesaid and all and singular Things in them contained Do for ourselves and our Heirs as much as in us lies by the Tenor of these Presents Grant and Confirm to our beloved the present Burgesses of the said Town of Lancaster and their Heirs and Successors for ever as the Charters aforesaid reasonably testify And furthermore being willing to do more ample Favor in this behalf to the aforesaid Burgesses of the said Town of Lancaster We have granted and by this our Charter have confirmed for ourselves and our Heirs to the said Burgesses their Heirs and Successors that although they or their Predecessors Burgesses of the Town aforesaid on any Emergency have not fully used the Liberties and Acquittances aforesaid or any of them the said Burgesses their Heirs and Successors notwithstanding may from henceforth fully enjoy and use the Liberties and Acquittances aforesaid and any of them for ever without Lett or Impediment of us or our Heirs our Justices Escheators Sheriffs or other our Bailiffs or Ministers whatsoever Witnesses hereof the venerable Fathers Thomas Archbishop of Canterbury Primate of all England our dearest cousin H. of Winchester our well beloved Uncle our Chancellor Thomas of Durham N. of Bath and Wells and H. of Saint Davids Bishops, Thomas Arundell our Treasurer Richard Warwick our well beloved cousins Earls, Henry Fitz Hugh our Chamberlain Henry Leshop Thomas Erpingham Steward of our Household Knights Master John Prophete Keeper of our Privy Seal and others Given by our Hand at Westminster the seventeenth Day of November in the first Year of our Reign And we having ratified and confirmed the aforesaid Letters and all and singular the things in them contained Do for ourselves and our Heirs and Successors as much as in us lies admit and approve and by the Tenor of these Presents do ratify and confirm to our beloved the present Burgesses of the Town of Lancaster aforesaid and their

Successors according as the Letters aforesaid reasonably testify
In witness hereof we have caused these our Letters to be made
Patent WITNESS myself (ourself) at Westminster the twelfth
Day of February in the fifth Year of our Reign.

BUGGYNS.

No. 28.¹

THE EXEMPLIFICATION of Lancaster and Quarmore
formerly called Quernemore, Boundaries, Granted in the twelfth
Year of the Reign of Queen Elizabeth. (1570).

ELIZABETH by the Grace of God of England France and
Ireland Queen Defender of the Faith and so forth To all to
whom these present Letters shall come Greeting We have
examined the Boundaries of our Forest of Quernemore
remaining among the Court Records of our Town or Borough
of Lancaster in these words. The Boundaries of Quernemore
in the County of Lancaster (made use of there) in the time
of King Edward the third. The Boundary Marks of the said
Forest beginning at the Brow of Quernemore at Waxhildesgate
following Waxhildesgate down to Wilmotesbrigge and following
the Sike from Wylmotesbrigge down to the Frith Brook
(ffrithbrok) following the Frith Brook down into Loyne following
Loyne up to Eskenbrook following Eskenbrook up to the Fence
of the old Pound (parci) following the said Fence Eastwards to
the Sike between Welslette and the Forest following that Sike
to Arkelbeck following Arkelbeck up to Oturache following the
said Oturache to a certain Sike that goes up to the Owlneſt
and then following the Sike up to the corner of Oulsthwaite
and then crossing over the Charkendall and then crossing
Eastwards to the Summit of Cloghow and from thence to the
Thorn standing at the Head of Damurgill (Damurgele) so
following Damurgill to the Redmoss and then crossing over
to the Frith Yard at Hare Appletree (Apultre) and following

¹ Translation. Original in Latin, written in beautiful characters.

the Frith Yard to the Frithbrook between the Forest and Wood of Ellel following that Frithbrook down into Conder, following Conder up to Berthwaitlegh following Berthwaitlegh up to the Cocklake Stones and then to the Brow of Quernmore. We have also Examined the Tenor of a certain Charter remaining on Record in the Court of the aforesaid Town or Borough of Lancaster in these words. The Boundaries of the Franchise of Lancaster These are the Boundary Marks of the Franchise of Lancaster. Beginning at the foot of a certain Pool called Black Pool which divides the Lordship of Oxcliff and the Lordship of Heaton crossing over Loyne unto the Earnestone and from the said Earnestone unto Briggehead and from thence up to the Welfe Well and from the Welfe Well to Cockercloughe and so unto Green Hill which divides Ellel and Quernmore and from thence to the Hertpott and so unto Clougha and so to a certain rivulet called Escoghe and so down the same to Caton Led Gate and then down the said Rivulet of Escoghe to the Water of Loyne and so down Loyne by the middle stream of the said Water of Loyne to Black Pool aforesaid. That we have caused all and singular the Premises at the Request of Nicholas Olyver Mayor of the Town or Borough of Lancaster and the Bailiffs and Burgesses of the said Town or Borough of Lancaster to be exemplified by these Presents In witness whereof we have caused these our Letters to be made Patent.

WITNESS myself at Lancaster the seventh day of August in the twelfth year of our Reign.

CARUS.

Exd. by Gervaise Kitson } Clerks.
Robert Caterall }

Translated by Robt. Tomlinson.

N.B.—There is a Parchment containing the Boundaries used in and from the time of King Edward the third similar to the Boundaries aforesaid.

No. 29.

A COPY (abridged) of Robert Dalton's Lease of Mills and Mill Dam for Two Hundred Years, from the Mayor Bailiffs and Commonalty of the Town of Lancaster in the Sixteenth Year of Queen Elizabeth. A.D. 1574.

THIS INDENTURE made the tenth day of August in the Year of the Reign of our Sovereign Lady Elizabeth by the Grace of God of England France and Ireland Queen Defender of the Faith &c. the sixteenth, Between John Hewetson Mayor of the Town of Lancaster in the County of Lancaster Gentleman James Brown and Jeffry Braithwaite Bailiffs of the same Town and the Commonalty of the said Town upon the one Partie and Robert Dalton of Thirnam in the said County of Lancaster Esquire upon the other party Witnesseth that the said Mayor Bailiffs and Commonalty for divers good causes and reasonable considerations hereafter mentioned and expressed have demised granted betaken and to Farm letten and set and by these presents do demise grant betake and to Farm let and set to the said Robert Dalton his Executors Administrators and Assigns one Plot or Parcel of Ground in the Waste or Common Pasture adjoining and belonging to the said Town of Lancaster commonly called the Green Area sufficient in quantity and Circuit thereupon to Erect Edify and Build One large House for a Water Mill or Two Mills to be made and invented within the same house, where and in what place or places upon the same Green Area or Waste, the said Robert Dalton or his Assigns shall think most fit for that purpose And also sufficient of the said Green Area and Waste to make and Dig up for a Dam water course and stream to serve turn and suffice the said Mill or Mills with Water and to make Wears, Cases and Defences upon, against excessive and Boluing waters upon any part of the said Green Area and Waste fit for such purpose at his and their Liberty and pleasure Yielding and Paying therefore Yearly during the said term to the said Mayor Bailiffs and Commonalty and their Successors

one pepper corn at the Feast of Easter if it be demanded for all and all manner of Rents and Services whatsoever by any manner of means due for the same Provided also that if any person or persons inhabiting the said Town of Lancaster at any time or times hereafter during the term of these Presents have their Corn Grain and other Stuff in any wise abused by the Mill (Miller) serving or keeping the said Mills or any of them either in taking off excessive toll custom molter or other service or else do purloin or steal the same stuff so to be brought unto them Then it is agreed and the said Robert Dalton for himself his Executors and Assigns Covenant promise and Grant by these Presents to and with the said Mayor Bailiffs and Commonalty and their Successors that they the said Mayor Bailiffs and the said Burgesses called the Mayor and Brethren of the said Town and their Successors may at their free will and pleasure remove the said Mill or Mills accused upon any such default upon due proof thereof had and examined before them, etc.

No. 30.

COMMISSION for the Musters in the Town of Lancaster.

ELIZABETH Dei gratia &c., Charissimo consanguineo Domino Henrico Comiti Derby ac Predilecto et fideli suo Willielmo Domino Mountegle ac eciam dilectis et fidelibus suis Maiori ville Lancaster pro tempore existen Johanni Ratcliff Militi Ricardo Sherborne Militi Briano Newton Jacobo Browne et Ricardo Gilpyn Burgeiis eiusdem ville Salutatem Sciatis quod nos de approbatis fidelitatibus et prudentibus circumspeditionibus viris plurimis confidentes assignamus constituimus vos Commissionares et Deputatos nostros dantes et concedentes vos septem sex quinque quatuor tribus et duobus virum tenore presentium plenam et absolutam potestatem facultatem et auctoritatem omnes et singulos homines ad arma et homines habiles ad arma ferenda tam equites quam Pedites et Sagittarios ac Sclopettarios super etatem sexdecim annorum ac infra

etatem sexaginta in dicta villa nostra Lancastrie tam infra libertates quam extra arraiand : inspiciend : et Necnon assignand : equos &c.

In omnis rei testimonium has literas nostras fieri fecimus patentes Teste me ipsam apud Westm. decimo die Maii Anno regni nostri vicesimo secundo. (1580).

Powle.

Annexed to the above Commission is:—"A generall dyrecon for the Commissioners for the Musters in the Towne of Lancaster how they shall proceed in the execucon of the said Commission."

Whereas by the Quenes Ma'ties Comaundment there are sent wyntelye with her Ma'ties Comission under her greate Seale of England bearinge date the xxjth of March last past dyverse Artycles subscribed by us of her pryvye Councell by waye of Instrucons to the Comysioners for the Generall Musters of the Countye of Lancaster as the lyke are sent to all other Counties within this Realme In which there are dyvers Artycles that do conteyne matters not so propper for the musteringe and trayninge of Souldyers in Cytyes and Townes Corporate and other exempt places as in the Shyres abroad And yet many of the Artycles in the said Instrucons are very meete and necessary for the musteringe and trayninge upp of Souldyers in the Cyttyes and Townes Corporate and other exempte places Consideringe upon your humble Sute her Ma'tie hath graunted that A Specyall Comissyon shoulde be dyrected under her greate seale for the musteringe and trayninge of all and all manner of haible persons within the said Towne of Lancaster where she trusteth that you will dyrectly and earnestly advance the intencon of thys servyce without respect of any persons otherwyse her Ma'tie yf she shall fynde that you shall deale Percyfully [?] therein will gyve order that the said Towne shalbe subiect to the Musters to be taken by the Generall Comissioners within that Countye *Therefore* to the intent you may have knowledge of such parte of the formar instrucons sent to the

Comissioners of the Bodye of the Shyre w^{ch} shall seeme meete for the place we have thought meete to dyrect you to receyve understanding thereof perticularly from the Commissioners in the Shyres next to you who have Instrucons at good length for the lyke purposes And therefore we will you in Her Ma'ties name to require by virtue of their Instrucons of some of the princypall Comissioners the sight or understandinge of such partes of the said Instrucons to them delivered as by conference with them you may have out of the same a Note or Wrytinge under the handes of three or two of them at the least of such Artycles of the said Instrucons or of the substance of the said Artycles as may be thought by them and you proper and convenyent for the service of Her Ma'tie for the musteringe and trayninge of all persons and the further service of Her Ma'tie in that behalf within that Towne which may serve to all intents and purposes as though all the h^uble parsons within your Towne should have byn specyally mustered and trayned before the said Comissioners of the Bodye of the Shire And by the Shewinge to them of thys our wrytinge and advyse we do require all and everye the said Commissioners also in Her Ma'ties name to confer with you and to instructe and direct you from tyme to tyme how and in what sorte you shall proceede in the said Musters accordinge to the intent of the said Instrucons wh. the said Comissioners have or at any tyme hereafter shall have And thereuppon to deliver to you in wrytinge signed with their handes as before ys said such specyall artycles to be extracted out of their generall Instrucons as shal seeme meete for that Towne And in all other things to gyve you from tyme to tyme advyce and ayde for the furtheraunce of this good and necessary servyce without delaye And we will that you dyligently and faythfully observe and to your uttermoste seeke to performe the said Instrucons for the advauncement of the servyce thereby intended in like sorte as yf the same had byn dyrected unto you by perticuler wrytinge from us.

Endorsed: A Comission for the Musters in the Towne of Lancaster.

These be the old Constitutions and Orders Sed in the Towne of Lancaster examined and ratified in the XXXVI yeare of the Raigne of King Edward the Second after the conquest as by the Recorde thereof may appear now afterwards verited examined and ratified upon Thursday next after the ffeast of Easter in the XIIIII yeare of the Raigne of our Sovereigne Lady Elizabeth by the grace of God Queene of England ffrance and Ireland Defender of the ffaith &c. by the oathes of Nicholas Oliver then Maior of this Towne John Newton Tailer and James Kendall then being Baylives of the said Towne William Coltman John Hewetson William Bateson B Newton Richard Sands John John Newton Sen. Anthony Hubbersty Thomas Standish William Jackson Gawen Brathwett James Browne Robert Bateson Alexander Johneson Richard Baynes Geoffrey Brathwett and Richard Gilpyn.

Wth the assent and consent of the whole comonaltie of the Towne aforesaid To the w^{ch} constitucons and ordinances truly to be holden and fulfilled the aforesaid Burgesses have put their proper seales wth the Comon Seale of the Towne aforesaid to these Indented the day and yeare last aforesaid.

1. That the Court of the Towne of Lancaster shold be holden and kept every weeke upon Thursday except it shold be deferred to another day in the same weeke for a cause reasonable. Also that two Head Courts shold be holden and kept every yeare in the said Towne That is to say The one upon the Thursday next after the ffeast of St. Luke the Evangelist, and the other upon Thursday next after Low Sunday. Unto which Courts all the Burgesses of the said Towne shold come and p'sonally appeare when they are called. And if any man make default shold be am'ced in VI^d wthout

pardon except a cause reasonable be found for the same his absence by the Maior and Bayliffs.

2. Also that at the said first Head Court holden upon Thursday next after the feast of St. Luke Evangelist as is aforesaid before the choosing of the Maior. The Maior shall say to the Sergeant make one Oyes thrice. That done the Maior shall say to the Clerk Read the Constitucons for this Day And the Clerke shall read it and the Sergeant shall rehearse it after the Clerke in these words:—

Forasmuch as it is ordained by Constitucon that noe stranger that is unsworne and fforaigne Burgesse shall be in our Court the time of the choosing of our Maior and Bayliffes because of great debate and strife that hath happened amongst us through maintenance of such strangers being in our Court the day of the choosing, the w^{ch} hath burdened the Comons to great harme and losse of their goods and disherison of our ffranchises:—

Wherefore Wee comand of ye Kings Behalfe and the Maior Bayliffs and comonalty of Lanc^r That noe man outtaken sworne Burgesse dwelling within this Towne abide any longer wthin this Court to the time that the Maior and Bayliffes be chosen And who so maintaines against this constitucon shall loose his ffranches from this time forth. And if any stranger or fforaigner be in the court and will not goe forth or the Maior or Bailiffs p^radventure dare not put him out then the Elecon or choosinge shall be deferred unto another day or houre where Twelve of the said Towne with th^r assent of the whole comonalty may appoint and order a place and time where they may make the aforesaid elecon accordinge to the forme hereafter written And if there be none but Burgesses and dwelling wthin the Towne in the Court after the p^rclamacon aforesaid wholly made then the Maior shall give up his office and else not.

3. And then the chosing of the Maior & Balyves shall be made in the manner following That is to say That upon the

aforesaid daye all Twelve Burgesses that appeared and were chosen to serve the yeare afore in the office of Twelve of the said Towne shold be sworne and appointed by the Maior or Balyves to goe into a secret place to theyme assigned and there shall put forth from among theym such as they shall think most able to serve in the office of Maior the yeare then next followinge notwthstanding but these that shall be put forth shall geve their voice everyone secretly by himselfe, and then the residue of the xij shall choose to them by their oathes untill there be ffortie of the residue of the Burgesses most discreete and agreeing being and appearing there the said day and by their oathes not by any meanes p^cured but that they will and dare say truth, having no reward nor lett for any affinity consanguinity p^curem^t love or hatred of any man. And if any man refuse so to be sworne he shall be put out from among them. And then the Maior shall be chosen by those ffourtie and the voice of them that be put forth or the more parte of them. Provided always that no man shall be chosen to be Maior except he was Bayliffe afore of the same Towne or else Maior before, And that all Burgesses shall give their voices privily and secretly every one by himselfe upon his new oath without fraud favour or counsell to him that is most able and discreete that knoweth and can best order and rule the Towne and maintaine the ff rancheses Lib^ties and duties app^tayning to the same Towne.

4. Also that after the Maior is chosen xij of the best of those that are put forth of fforty shall choose one Bayliffe, and the rest of the said fforty shall choose another Bayliffe wth th^e assent of the residue of the comonalty there beinge.

5. Also that everie yeare at the said Court of the choosing of Maior and Bayliffs afore eleccon of them all the keyes of the comon Chest and all Deeds munim^{ts} and wrytings being not in the said chest in whose hands soever they be shall be layd in open court upon the chequ^r and there letten lye unto the Maior and Bayliffs be chosen And then after the choosing

one key shall be delivered to the Maior new chosen and one other to the Baylives new chosen and the third to one Burgesse chosen by the comonalty and the fourth shall remaine in the custody of the Maior unto the Twelve be chosen, and then the Maior at the next Court following when the xij are chosen the same day imediately after shall he deliver the said ffourth key to one of the said twelve by them chosen to keep it for all the xij soe elected all that yeare unto the said Court Under the wh^{ch} Keyes all Deeds munim^{ts} and remembrances with the comon Seale are put and locked.

6. Also that at the first court following after the elecon of the Maior and Baylives the xij shall be chosen in this manner That is to say The Maior shall choose three or ffoure at the most of them that were in the office of the xij the yeare afore and w^{ch} be in the Court that day, and he shall make them to sweare to choose to them other of their neighbo^{rs} being Burgesses most able discreete and agreeable to the number of xij to serve in the office of xij the yeare following.

7. Also that no Maior being in the office of the Maiorshipp shall sell no victualles the time that he shall be in the said office but at the Sessions And that no Bayliffe shall sell Bread or Ale forth of his house, nor put nor lay no bread nor Ale forth of his house, nor put nor lay no bread to be sold in his or their windowes nor in the markett under the paine of iij^s iij^d. for every default.

8. Also that Mr. Maior and the Baylives from time to time in every month once shall prove Bread and Ale at the least, and everyone that shall be found culpable to forfeit their bread and if afterwards they shall be found culpable they shall bake no more w^{thin} this Towne to sell forth of their houses but to forfeite the same And if any sell forth of their houses any Ale contrary to the Queenes Statutes and after the price sett by Mr. Maior or his officers to forfeite the whole brewing, and upon the second time and default to brewe no more w^{thin} the Lib'ties of this Towne but to forfeite the same.

9. Also that no p'son shall be Maior, Bayliffe, Auditor, ffearer or pricker two years jointly together And that no Maior or Bayliffe shall be pricker auditor or ffearer the yeare next after they have served in the said offices of Maiorship or Bayliffe And if any pricker disclose his ffellowes counsell to forfeit his ffreedome or else to pay a new ffine for the same.

10. Also that Mr. Maior shall keepe his Comptrole weekly in the Tolbooth And also ffearers and Auditors to keepe their Accompts yearly in the same Tolbooth at the dayes accustomed upon paine of iij^s iiij^d to be levied upon the Maior and Bayliffes.

11. Also that all fforraigne pleas shall be tryed upon the head Court dayes appointed quarterly and soe often else as need shall require And all pleas where both p'ties be ffreemen to be tryed the next Thursday next following quarterly And th' Maior and Baylives for every aẽcon tryed contrary to forfeite vj^s viij^d.

12. Also that the Baylives shall levy the ffynes aud'ciam^{ts} and p'quisites of the Court imediatly after every Quarter Court And also shall make due execucon as well of all debts and damages recovered in the Court as of the aud'ciam^{ts} and to make due returne of the levyes which come to their hands from court to court every Thursday, or else execucon to be had of the Baylives goods.

13. Also that the Baylives give up and make their Accounts every yeare by their new oathes before the aforesaid Head Court of the Elecon of the Maior and Baylives before two Auditors sworne, the one Auditor chosen by the said xij head Burgesses or by the more parte of them and the other elected by the Comonalty being at the next Court or Congregacon before the said elecon day. Provided always that no man medle to take the said Accompt but only the said Auditors before whom the Baylives shall content and knowledg their Arrearages if any be the day of their Accompt or thereof

shall find to the Maior and the Commonalty of the same Towne sufficient surety by obligacon of doubling of their arrearages and debt to the Towne to be paid within one month next after th' audite kept or else shall remaine in the Maior his prison and never to be put in office untill they have satisfied the same debte, And if any p'adventure the Maior lett them goe out of the prison without the said suretie that then the Maior himselfe shall answer the comonaltie aforesaid of the said Arrearages and debts.

14. Also that no Baylive after that he shall be elected and sworne shall not goe over the seas or be w'thout the Towne by the space of one month together without the lycense of the Maior xij and the comonaltie under the paine of fforfeite of his ffee and office, notwthstanding but he shall make Accompt of all the time that he occupied the said office. And that it shall be lawfull to them and their neighbours that chose him to choose another Baylive in his stead to serve for all the residue of that yeare.

15. Also that the Balyves shall receive the passage and through toll as also the Market by themselves or else by their servants of lawfull yeares and discretion and the same to be sworne in the Tolbooth before Mr. Maior upon paine to forfeite for every default xx^s.

16. Also that neither the Maior nor any of the Balyves give any reward for the Towne to any Bearwardens or mynstrells without the Consent of ffoure of the head Burgesses found of the Comons upon paine to forfeite for every default vj^s viij^d.

17. Also that the Balyves Kepe their Bankitts at Shroftyd and Easter as hath beene accustomed and the Balyves ffeasts to be laid away and the Towne charged withe no such matter at the Audite.

18. Also that yf the Maior or Balyves doe make any costern giving some victualls or fasts to any p'son without the assent of xij head Burgesses of the same Towne yf not be allowed by the Auditors at their Accompts.

19. Also that the Balyves from henceforth shall not Assesse or stallenge any Artificers Merchants or victuallers being at the markett of Lancaster wth things to be sold Victualls or Merchandize, they shall take nothing of them for their stallenge but one penny on the Satturday and soe for every Saturday a penny soe long as the same fforraigne stalleng^{rs} doe occupie the same markett upon paine of forfeiture of their ffee.

20. Also that the Maior and Baylives that shall be for the time every yeare foure times, that is to say, once in every quarter in the p^rsence of all the ffreemen of the same Towne shall openly read or cause to be read all these constitucons before and hereafter written, all strangers first avoided forth of the Court And they that be found culpable in any of those p^rsent constitucons and Liberties by verdict of xij men or Jurie to pay their ffinnes fforfeitures and Audciam^{ts} imediatly before they departe the Court or else to take order or satisfie the Baylive otherwise. And the Maior Baylive and clerke for not executing of this Article to forfeite vj^s viij^d.

21. Also that the Maior and his officers shall suffer no p^rson wh^{ch} hath beene imprisoned in the Gaole at Lancaster for any felonie or suspition of ffelony to contynue or remayne in this Towne above the space of three dayes next after their discharge and delivery forth of the same Gaole under paine of xx^s for every default.

22. Also that Mr. Maior shall have noe more waiges allowyed to his sergent of the Townes Cost but onely by yeare and to be paid quarterly vj^s viij^d.

23. Also that Maister Maior of Lancaster shall have and p^rvide a gowne worth xxvi^s viij^d at the least and every one of his brethrene to have a like gowne worth xxvi^s viij^d. And in like manner every Baylive to make a gowne the same yeare he is made Baylive worth xx^s. Also every one which hath beene Baylive to make and have a lyke gowne worth xx^s at the least upon paine to fforfeite the pryce of the gowne whoso makes default or else to fforfeite their freedome And this Article to

be enquiryed of every yere at the next courte holden after the feaste of the Nativity of our Lord God.

24. Also that the Balyffs Sergeant and Bellman shall give attendance upon Mr. Maior everie Satterday and principall ffeaste dayes and when strangers be in the Towne and not to be absent wthout Lycence of the same Maior for the time being And that all Mr. Maior hys Brethren or soe many as hee will appoint be likewise readie to attend upon warninge geven them according to their oath.

25. Also that the Sergeants shall Arreist no p'sonne beinge a stranger for hys debte within a ffreeman's house without Lycence and that ymedietely upon every Arrest the S^rgeant shall bringe the p'tie arreisted to the Tollebooth and the Balyves there to take charge of the partye upon payne to fforfeite for everye defalt iij^s iiij^d. And if either the Balyves or Sergeants do suffer any p'son to escape after the arrest made then they in whom the defalte is to annswer the p'tie playntiffe his debte.

26. Also that the S^rgeants shall arreist no p'sonne within the precincts of the ffayres for no olde debte or matter, treasons and ffellonies excepted but they may arreist for Bargaynes made in the same ffayres and to bringe the p'ties before the Maior or his Deputie.

27. Also that the S^rgeants or Bellman shal be Attornayes in all forraigne pleas and no other p'sonne to be Attornayes withoute a Letter of Attornaye frome the p'tie.

28. Also that the S^rgeant for the Comons or Bellman shall take all grasse that comes into the Markett or Towne to be sold as fforfaite to his owne use excepte it be in a ffreemanes house upon payne to fforfaite for everye default vj^s Provyded alwayes that the Maior alwayes apoynt a convenyent place for Grasse to be sold in ffrom tyme to tyme.

29. Also that the Bellman everye yere at his departure from his office shall not carrye away any of the hedging ffrom Pynder Parrocke or any other place and shall not take away the Three Yats belonging to the Towne but shall deliver theyme

to him that shall succede hime in office upon paine to fforfaite for everie defaulte iij^s iiij^d.

30. Also that yf the S^rgeant of the Comens or Bellman be comanded of their Masters to doe anything appertayning to their office and will not doe it they shall fforfaite for everie default vj^d.

31. Also that one cobbler shall be chosen everie yeare within three Courts after the Elleccion of the officers to the Cervysors to amend old shoes within this Towne and if any man be so chosen by the Corvysors and afterwards at any tyme doe refuse to serve in that office he shall fforfaite for every defalte vj^d.

32. Also that one Swyneherd shall be yearely appointed to keepe all the Swyne resyant within this Towne as well in wynter as in Sommer upon the more called Whernemo^{re} above the more Yate and the said Swynehirde to have wages and ffees as folowith That is to say the Maior yearely for the tyme beinge to paye xv^d. And every one of the xii head Burgesses and the Balyfes for the tyme beinge to paye each one to the same swyneherd—vi^d. And every ffreeman haveing swyne to paye yearely to the same swyneherd iiiij^d. Also every stallenger to pay yearely so many as have any swyne accordinge as thei shall be ratyd and assessed by ffoure men to be appoynted yearely for that purpose The which wages shall be payd to the same swyneherd quarterly That is to say at Michaelmas Christemas Easter and Midsomer by even porcyons.

33. Also that none be made Maior Baylive Sergeant or under Bayliffe except he be ffreeman and sworne to doe his office duely and justly.

34. Also that none shall be made Burgesse wthin the said Towne except he have dwelled here the space of one whole yeare at the least within which time hys neighbours may knowe hys conversacon manner and behaviour and that none shall receive the Lib'tie to drive [?] nawte [?] nor be sworne to be Burgesses but at a Head court And that none shall make lesse ffine for his Libertie to be hadd but every ffreemans sonne xx^s

everie one that hath served their apprentishipp wthin the Towne xxvi^s viij^d. Every strainger and fforreine Burgess to pay noe less fyne than xl^s to be admytted to the ffreedom And that none be admitted wthout a whole consent.

35. Also if any personne being ffreeman doe refuse or deny to pay amerciaments scott lott or any other dueties caste taxed used or hereafter to be assessed, orderly wthin the Towne and do not pay the same wthin xv dayes next after th' assessm^t and the same lawfully demanded Then they that make default to forfeite their ffreedome and not to be admitted againe to the same without a new ffine, or else to avoid the Towne.

36. Also that noe p'son shall be received to the Liberties of the Towne except thei be of some scyence or craft and to be sworne to use exercise and mentaine the same without any collusion fraude or deceipt and this order and constitucon to remayne in force and effect for ever and those that offend in this constitucon to forfeite for every default xx^s.

37. And also if any ffreeman willingly do forfeite against hys Lib'tie or oath or conceale or Layne hys Custome or Toll for because of acquayntance ffriendshipp or knowledge of any stranger or sayes against or aides any man to speake againste or to withstand any of these constitucons aforesaid or hereafter written he shall lose his Lib'tie and never to be restored againe but upon a newe fyne.

38. Also that every ffreeman that takes any apprentice shall enroll his Indentures in the Courte Booke within a yeaere and a day after he take the same Apprentice upon paine to fforfeite for every defalt xx^s. Also every freeman to pay for an enrollment iij^s.

39. Also that no ffreeman shall sett Lett or Sell his ffennym carre roome but one ffreeman to another and to no fforraigne or stranger upon payne to fforfeite his said ffennym Carr into the Townes hands for ever.

40. Also that also it is constituted and agreed by xij Burgesses of Lancaster xij of the Kinges Tennants of Skeirton

and Slyne that there shall noe man or woman sett their p'tes of the copie-holds to no manner of p'son except it be to their neighbour which hathe alreadye one parte and right tytle to the same the said copyholds by reason of the Kinge's Lease upon paine of fforfeiting of their said p'te of the same copie-holds during the contynuanee of the same Lease thei clayme by to their neighbours.

41. Also if any ffreeman give his goods or cattails to any other man for fraud and deceit of the Courte and his neighbours so that execucon cannot be had or made against him by reason of the said gift nor ffynes nor Amrcments of the Courte cannot be levyed against him he shall lose his Lib'tie and never be restored agayne without a newe fyne.

42. Also yf any ffreeman make any complaint callyd wraynge to any Master or straynger dwelling without the Towne by himselfe or any other in his name through frawde in payreinge and hurtinge of the Lib'ties Laws and constitucons of the Towne or any officer of the said Towne he shall lose his Libertie.

43. Also yf anie Burgesse or ffreeman be found a rebellour against any order to be made by the Genrall Assent of the Court for the p'fitt of the Towne and Comynaltie he shall lose for every time iii^s iiij^d.

44. Also if there be any assemblinge or gathering together or any conspiracon of any Burgesses gathered together and sworne to make the Maior and Balyves afore they come into the full Court and upon them be lawfully proved they and every one of theyme soe doyinge shall lose their Libertie and never to be restoryd againe for their false swearinge and he or thei whom they have so chosen shall never be put in any office within the Towne ffor it is considered by the discretion of the Towne that he or thei shall loose the Liberties of the Towne.

45. Also that if any freeman become pledge or maintainor for any p'son upon Arrest he shall answer to the Accon and stand charged with the whole matter to the judgm^t to be given

without fraud or delay and immediately upon judgm^t given yf the p^{ty} Defending be in the Tolbooth then the Balyves to stand charged with the matter or debte and the surety discharged But yf so be the partie Defending be not p^rsent at the giving of judgm^t then the surety.

46. Also that there shall be none of Mr. Maior his Brethrene suretie for any fforraigne Matters or pleas nor maintainer of any mans matter but his owne upon paine of disgradinge hime of his ffreedome whosoever he be that doth to the contrary of this constitucon.

47. Also that noe ffreeman shall refuse to be sworne upon a jurie for the Quene or betweene partye and partye if he be appointed by the officers upon paine to fforfaite for every default ii^s.

48. Also that if any ffreeman do Raille or revile any man by any slanderous words being sworne of a jurie that he shall lose his Libertie or else he grevously ffyned and if it be by any other p^rson being not ffree to be comitted to the Gibbett and if it be a woman the Cockstoole.

49. Also yf any p^rson do Raile childe or fflyte and thereof be convict they shall be Amercyed the first tyme in xii^d the second tyme in ii^s the third tyme to be sett upon the pillorye or Cockstole or else shall make fine and redempcon at the will of Mastr. Maior and the Balyves and xii heade Burgesses.

50. Also yf any p^rson doe make a Brawle or hubleshowe he shall make noe lesse ffyne then iii^s iiij^d whether it be upon officer or other.

51. Also yff any p^rson doe breake the peace or make a ffray within the p^rcincts of these Lib^ties he shall make noe lesse ffyne then iiij^s iiij^d. And if it be either upon an officer in the markett or if it be in the Maior his presence then to fforfeite vj^s viij^d and more at the discretion of the Maior Balyves and Burgesses and every wounde of bloude x^s.

52. Also yff any p^rson doe Rebelle or make a Rescowe againste the Maior or Balyves he shall be Amerced in no lesse

ffyne then Tenne Shillings and if he make rescowe againste the under Balyve and pinder he shall be Amercyd in no lesse ffyne then iij^s iiij^d.

53. Also yff any troublesome p'sonne come to the Towne against the peace to vexe anybodie within the Towne the Comon Bell shall be rung a good while or space And that all the Towne Dwellers shall come unto the place where the said Comon Bell is ronge arrayd in the best maner they may for defence of their own bodies to Arreist the said disturbers so comynging againste the peace under paine for everie one that doe absente theymselves away vj^s viij^d.

54. Also that no man shall Talke in the Court after he shall be Comaunded of Mr. Maior or the Balyves or Clerke to kepe sylence and peace upon payne to fforfait for the first defalte iij^d the second tyme iijij^d and so to double so often as he doth to the contrary of this constitucon.

55. Also that no man medle in the Court of any pleas complaints or oathes excepte it be the Complainant or Defendant in the Court nede him and require his Counsell under the paine of xvj^d.

56. Also that no man shall despise sett at noughte say evill by or manish [?] his neighbours against the peace in the presence of Mr. Maior or the Balyves upon payne to forfait for every default ijs.

57. Also yf any Burgess ffreeman or Towne Dweller do Labour unto any Lord Maister or any other spirituall or temporall withoute the Towne dwelling but to Mr. Maior and the Counsaill of the Towne for any Trespass or matter whatsoever it be betwixt neighbour and neighbour or any other matter to whomsoever it do belong if it be a Burgesse or ffreeman to lose his Libertie and, if it be no Burgesse or ffreeman he shall be put forth of the Towne and to make ffyne and redempcon at the discretion of Mr. Maior and the xij.

58. Also that no inhabitor within this Towne shall take no house nor Land of no Landlord within the Liberties of this

Towne (except they have the good will of the tenn^{te}) and if he bee a ffreeman that doth the contrarie to lose the Libertie of this Towne and if he be a stallenger to avoid the Towne for ever.

59. Also that every ffreeman that occupys any of the Townes Lands or Deepe Carres shall have and occupie the same Lands dureing their Lives and after their Sev^rall Deceases if any of their children be made ffreemen then thei to have the same if they will pay so much for the same as shall be Assessed by six Head Burgesses and six ffreemen or else thei that will give most for it to have it.

60. Also yf any ffreeman be absent at any Head Courte day or not make answer at the first time when he is called before Mr. Maior, he shall fforfeite vj^d to be Levyed at his house ymedietely the same day and further punishment at Mr. Maior his pleasure except the same ffreeman be sicke blynde layme deafe eyther diseasyd with such lyke infirmitie or otherwise Lycence of Mr. Maior.

61. Also that no ffreeman shall paye no more for Arrest but onely ii^d and thenteringe i^d as he before time hathe bene accustomed.

62. Also that no fforraigne stalleng^r be sworne or taken into the Towne without consent of the Maior and xij head Burgesses of this Towne.

63. Also that no personne within this Towne shall take any Inmate or suffer any to dwell upon their Backside upon payne of forfaite for every default x^s.

64. Also that no stallengers shall mawe or sheare any Brackens or Rushes upon the Comon pasture till the ffreemen be served [?] under the payne of iii^s iiiii^d.

65. Also that no stranger shall be suffred to come into this Towne to dwell till thei be allowyd by Mr. Maior his Brethrenne and Twelve of the Comons to what science or craft they will take to.

66. Also that everie inhabitante within this Towne doe keepe their watch and warde according to the Queenes Statutes and

the Auncyent orders of this Towne and to fynd theymeselves harneys accordingly.

67. Also that no fforraigner or stallenger doe Bake or Brewe to sell within the Liberties but yf they doe compound with the Towne for the yeare and have Lycence under payne of vjs viij^d.

68. Also that no stallenger shall bye any victualls or wares comyng or come to the Towne to be sold afore the Market Bell be ronge unto the Burgesses of the same Towne have bought what they will upon payne of (illegible).

69. Also that no fforraigne Burgesses being admytted to the Liberties of this Towne shall clayme thereby any Interest in our comon of Pasture.

70. Also that all inhabitants and residents within this Towne shall keepe Scott and Lott as thei shall be assessyd upon payne to forfeite for everie default ijs or to avoid the Towne.

71. Also that none shall be punished or imprisoned in the Tolbooth but onely ffreemen and all Dronkards and disorderd p'sonnes to be impryoned in the Stockhouse under the payne of xij^d.

72. Also that where either man or woman at any tyme hereafter shall be presentyd for any matter or cause done within the precincts of the Towne That no man shall speake nor make any Labour for p'doning of the said p'sentment upon paine of vjs viij^d.

73. Also yf any man be suyd or presented in the Courte and have nothing to distreyne upon he shall not be taken into the Towne by any man after proclamacon made in the Court excepte he be able to content and satisfie as well the Towne as the partie by sufficient suereties or otherwise under paine of iijs iiij^d.

74. Also that no Inholder shall refuse to Lodge any straunger that seemeth to be honest and able to pay his expences under the payne of xij^d.

75. Also that no Brydell Dynner shall be made within this Towne of Lancaster above the price of iiij^d the peice under paine to forfeite for every defaulte—(no sum).

76. Also that none shall make any newe Ailes or unteracks w^{thin} this Towne either byd to any without the Towne And that none bid or cause to be bidden to any in fare or house tything upon payne of vj^s viij^d. And if any officer do lycence them then he to pay vj^s viij^d.

77. Also yf any having aile to sell and refuse to sell forth to any bodye a penny worthe or halfe-penny worthe or what as thei need and after that refusing sell to any other forth of the house thei shall fforfaite vi^d.

78. Also that no Aile house be kepte open upon the Sabboth daye in tyme of Devyne Service upon paine to fforfaite for every defalte to the Comon Box ii^s.

79. Also that they which bye any Malte in the Markett or els where within this Towne Lette their eye be their chapman for yf it prove nought thei shall have no remedie for it afterwards except thei can prove the seller thereof dyd warrand the same to be good.

80. Also that there shall no comon ovens be occupyd within this Towne excepte the same stande in a substanciall and sufficient wayinge and be Lycensed by the Maior and Towne upon payne to fforfaite for everie defaulte iij^s iiij^d. And to take no more waiges for the same oven but for everye tyme it is made hott a penny and for the oven here a halfepeny upon payne of xij^d.

81. Also yf any man bye victualls or wayres comyng or come to the Towne to be sold and yf one ffreeman come that needeth and would have parte thereof he shall grant the ffreeman parte after the quantytie thereof upon payne to fforfaite for everie defaulte iij^s iiij^d.

82. Also that no man shall bargaine or Covent any Shippe come to the Towne to sell any victualls or Merchandize or bye anythinge of theyme in whole sail untill the said Shipp have tarryed and beene in sure haven by the space of Two Dayes upon payne to fforfaite for every default x^s.

83. Also that none shall take uppe stay nor forstall any victualls that comes to the Towne to be sold s.p. iij^s iiij^d.

84. Also that no man shall bye aforehande any Corne or grayne Meale Malte or Salte that is coming to the Markett to be sold before the Satterday and that after the Comon Bell be ronge without defraud and that every sack be sett in the Markett before any be sold And that no man bye any of the said graine Meale Malte or Salte beinge in any house but by the Lycense of the Maior and Balyves of the Towne or for cause of Raine [?] upon payne to fforfaite for everye defaulte xii^d.

85. Also that no Butcher shall sell any quarter of any Beast myngled with a quarter of any other Beast upon payne to fforfaite for every default ii^d.

86. Also that no Butcher shall sell any ffleshe of any corrupt beastes as Oxen Kyen Calves Sheepe or Swyne that had any disease or that dyed sodennlye of any disease upon payne of fforfait of all the same ffleshe over and besyde x^s to the Towne.

87. Also that no Butchers shall sell any fflesh against the Assizes and ffaires untill the fflesh Lookers have had a sighte of the ffleshe and skynne upon payne of xii^d.

88. Also that no vagabound or ydle young personnes be they men or women be suffryd to dwell in this Towne but if they be able to serve to goe to service or els upon complaynte made the officers ymediately to cart theyme or scourge theyme forth of the Towne.

89. Also if any man be fownde by Inquest a comon vagabonde or a comon evysdropper standing under any mannes easeings walls or windoes and thereof be convicte he shall lose for everie time iij^s iiij^d and have further punyshmente at the discrecon of Mr. Maior and hys Brethreine.

90. Also that all whores and whoremongers beyng resident within this Towne upon Lawfull prooffe of the same shall be cartyd aboute the Towne and then expulsyd forthe of the Towne under paine of vj^s viij^d.

91. Also that no ydell p^rsonnes be kept or receivyd within this Towne but such as be able to live of theym selves.

92. Also that all unlawfull Games be layde away and yonge men comandyd to bye Bowes and Arrowes according to the forme of the Statutes and Lawes in such case provyded.

93. Also that no manner of personne within this Towne do keepe suffer or lett any mans prentices Servant or Childe to playe in their houses at dyce Cards or any unlawfull games for any silver upon paine to fforfaite vjs viij^d. And every Gamster or Player to fforfaite for everie default iij^s iiij^d or else to be comytted to pryson there to remayne in punyshmt^t for the space of a whole weke.

94. Also yf any p'sonne within this Towne do lodge or receyve any suspicious p'sonnes to forfaite for everie tyme so doying and the same provyd vjs viij^d.

95. Also that all comen Hedgebreakers that dwell w^{thin} this Towne shall be expulsyd and put forthe of the Towne or ells to fforfaite for everye defaulte xij^d vizt. vj^d to the Towne and vj^d to the taker.

96. Also that yf any man have any lands or medowes lyinge or abuttinge upon the comon pasture the Kynges highwayes the Marshe or More he shall make his hedge and ditches sufficientlye all the whole yeare from the ffeast of (blank) yearely to be overseene by the Hedge lookers and thei that make default to fforfaite for every tyme iiij^d.

97. Also that every man shall make his parte of his hedge betweene him and his neighbour where it is sev^rallie knowne and used in all places ells the hedge to be made by both the neighbours next adjoyninge either of both to make halfe And if through default of any of the said Hedges any man be indemnified or have losse or harme then the owner of the said hedge in whom the default is shall make amends to the p'ty for the trespassse and besides that he shall forfaite for everie defaulte to the Towne vj^d.

98. Also there shall be two appointed every yeare to goe throughe the Towne to see that everye man have sufficiente fewell.

99. Also that none shall beare any stakes or woodd except thei be able to bye the same to the intente to kepe any typpling or brewinge to sell upon payne of vjd for everie defalte.

100. Also that none shall gett any Rushes upon the Marshe but onely to ffreemens houses upon paine to forfaite for everie burden vjd halfe to the taker and halfe to the Towne.

101. Also that no man shall sheare or mawe any grasse of his neighbours or corne in the fields belonging to this Towne either by himselfe or his servant upon payne to fforfaite for every default xij^d. And they finder shall have all such Instruments as they offenders gotte their grasse withall for their fyndeing.

102. Also that every man of this Towne that fyndes any stranger burning any whynnes or brakyns on the more the fynder shall have all the Instruments that the offender doth gett the whynnes or brakyns withall to their own use and also th' offend^r shall fforfaite to the Towne for every tyme so taken vjd.

103. Also that everie housholder within this Towne shall be readie upon warning geven by the officer at all tymes theymselfe or their sufficient deputie to helpe to dryve the more upon payne to fforfaite for every defaulte ij^d.

104. Also that the more be dryven everie yeare onest at the Least as of Auncyent tyme hath beene usyd and accustomyd.

105. Also that none shall burye or rate any hempe or Lyne upon the Comon pasture called the *Green Ayre*^t upon payne to fforfaite for everie defaulte xij^d.

106. Also that none shall drye no hempe or Lyne over the fyer within any house in this Towne upon payne to forfaite for everie defaulte xx^s.

107. Also that no man make any pathway over his neighbours ground or Medow but in places usyd aforetime upon payne to fforfaite for everie defaulte vjd.

^t In the old Constitutions apparently "the More."

108. Also that everie man anenst his own fronte betwyxt the Cockstoole and Cawkeld shall make and uphold the way sufficiently betwixt the ffeet and their Garth ends before Michaellmas and so to mend theyme and uphold theyme frome tyme to tyme upon payne of iijs iiij^d.

109. Also that none shall carrye or recarrye any Waynes loaden or unloaden trees or other Carriages over Lancaster Bridge above the carriage or Draughte of a horse upon payn to fforfaite to the use of the same Bridge and of the Towne for everie defalte vjs viij^d.

110. Also that the occupiers of the Girsegarth shall feye and clense their ditches in such sorte as the great water standing in the Cheynye Lane may discend and have his course through the Backside of the house now in the holding of Thomas Singleton upon paine of iijs iiij^d.

111. Also that no p'son shall lett downe the Castell ditch to water clay or Thatch with all above the space of Three quarters of an houre at any one tyme upon payne to fforfaite for every defalt xij^d.

112. Also that Mr. Maior shall appoint some convenient p'sonne to oversee and kepe the said Castle ditch to the use and p'fitt of this Towne from tyme to tyme and to geve him some rewarde for his paines.

113. Also that no Burgesse or ffreeman neither any other p'son that dwells within this Towne shall receive or keepe in their houses any Sack of Corne Meale Malt or Salt that come to the Markett to be sold ffrom Satterday to Satterday but thei shall sell of the same to any that needs by the lyke pryce that it was sold for the Satterdaye next before goyng under the paine of xij^d.

114. Also that no Badg' cast or strawe any lytter Strawe or such lyke Baggage under their Sacks in the Markett Place but to take the same away with theyme againe when their markett is done upon paine to fforfaite for everie defalte i^d.

115. Also that Searchers and Seallers of Lether shall have their ffees Lymyted by the Statute.

116. Also that no Barkers which usyth to bye any skynnes within the Towne shall be stalled at the begynnynge of the yeare and that no out man bye before the bell upon payne to fforfaite for everie defaulte vjs viij^d.

117. Also that no Shomaker shall sell any shoes within this Towne excepte the same be well and sufficiently tannyd and curyed under payne of fforfaiture of the same shoes.

118. Also that none shall dryve horses or beastes lowse through the feild under paine of xij^d the one-halfe to the Towne and the other halfe to the taker.

119. Also that no p'son shall baite or tedder any horses in the Towne ffeilds or lonyngs joyning to the same upon payne to fforfaite for everie default iij^s iiij^d.

120. Also that no p'sonne shall keepe any Scabbyd horse or mare upon the comon Pasture or Towne feilds either any stonyd horses under the stature upon payne to forfaite for every default iij^s iiij^d nor shall water any such infectyd horse at the places other men use.

121. Also that none shall kepe any unlawfull doggs or bitches or suche as will worry sheepe under the payne of fforfaiture for everie default xij^d.

122. Also that none shall leave any Meale Arkes benches or formes standinge in the streete from Satterday to Satterday under paine of fforfaiture for every default vj^d.

123. Also that no person shall upon the Markett day or at other times mett any Meale to sell saveyng onely the seller or such other persons as shall be nomynatyed and allowed by the Maior and Sexe of his Brethrene onely for that purpose vjs viij^d.

124. Also that none shall wyndowe any corne upon the pavement or in the streets saveing Malte upon payne to fforfaite for everye tyme viij^d.

125. Also that no man shall breik uppe the pavement without the Lycence of an offycer and that the same be made

againē sufficiently within three dayes or else to loose for every default vjd.

126. Also that everye persone within this Towne shall keepe cleane the pavement and strete everie one anempste their owne ffronts upon paine to fforfaite for every default vjd.

127. Also that no person shall sett any Carte or Carrge in the oppen streete upon payne of (illegible).

128. Also that yf any man doe suffer any whynnes or Thornes to lye in the streete anempst their Doors above the space of Two Dayes togyther to fforfaite for everye Carfull ij^d.

129. Also that no man shall lye drawe or cast any deade beaste Carryon donge Ashes or any other such vyle thing afore any mans doore wyndowe or in any comen streete or Lane within this Towne except lanes leading to the haven upon the Grene Aire upon payne of every default xij^d.

130. Also that no Boucher within this towne shall cast any Beast goots bowells bloude or such lyke corrupcions in the strete upon payne of everye tyme vjd.

131. Also that none shall lye any donge in the streets upon the pavement but to remove the same at all tymes upon Sexe dayes warninge to be geven by an officer or warnyd by his neighbour to take yt away And also to remove it a daye before any ffares or Sessions whether thei be comandyd or no upon payne to fforfaite for every default xij^d.

132. Also that no man shall cast his donge upon another mans Lande without nor lye his donge neare his neighbours walle excepte he remove it within sexe (days) he is warnyd of his neighbour to take yt away nor shall turne the water with it to runne upon his neyghbours house or gardinge under the payne of vjd.

133. Also that no person shall lye any donge worthinge or compost in the Cheyney Layne Penny Strete neyther any other strete of this Towne upon the payne to forfait for everie default iij^s iiij^d.

134. Also that no p'son within this Towne shall sell any compost or donge forth of the Towne to any owtelman upon payne to forfeite for every default iij^s iiij^d.

135. Also that none shall put dighting or feyning of the streete upon his neighbour but every one to take away the same anenpst their owne front under payne of vj^d.

136. Also that none brue washe clothes or any vile things either beaste Inmtats or do any other unwholsome or filthie thing in or about the Stone Well the Ware or any other Comon Well about this Towne upon payne to forfeite for every default iij^s iiij^d.

137. Also that no person within this Towne shall geyt claye before the Castell Gates upon payne to forfeite for everie default iij^s iiij^d.

138. Also that no man shall take his neighbour's stones being in the Wharrye under payn of vj^d.

139. Also that shepe shall be kept furth of the ffields from the ffeast of Saynte Andrew yearlye untill Corne be inned xij^d.

140. Also that geese shall be kept furth of the feild from Easter daye yearlye unto Corne be gotten in upon payne of a halfpenny for everie default.

141. Also that Calves be kept furth of the ffields yearlye from Hallow thursday to Corne be gotten upon paine to forfeite for every default id.

142. Also that swyne shall be yearlye kept furthe of the ffields from the begynning of Seede tyme untill corne be Inned upon payne to fforfayte for everye default

Fourteen Seals and the Common Seal have been attached to the parchment, and apparently the Mayor, two bailiffs and twelve (or eleven) burgesses have signed. Their signatures are almost gone.

No. 31.—1604.

THE CHARTER of King James the first to the Town of Lancaster in the second Year of his Reign over England France and Ireland and Thirty eighth over Scotland.

JAMES by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. To all to whom these present Letters shall come Greeting Whereas our Town of Lancaster in the County of Lancaster is an ancient and populous Town and the Inhabitants of the said Town time out of mind have had used and enjoyed divers Liberties Franchises Immunities and Pre-eminencies As well by reason of divers Charters and Letters patent of divers of our Progenitors and Ancestors late Kings of England to them and to their Predecessors by the name of Burgesses of Lancaster and by the name of Mayor Bailiffs and Commonalty of the Town of Lancaster and by the name of Burgesses of the Town of Lancaster and by the name of Mayor Bailiffs Burgesses and Commonalty of the Town of Lancaster heretofore made and granted As by reason or pretext of divers prescriptions and Customs in the said Town used and accustomed We therefore willing that from henceforth for ever in the Town aforesaid there may constantly be had one certain and indubitable mode of and for the Rule and Government of our people there And that the Town aforesaid from henceforth for ever may be and remain a Town of Peace and Quiet to the Fear and Terror of the Wicked and for the Reward of the Good And that our Peace and other Acts instituted there can and may the better be kept and hoping that if the said Mayor Bailiffs and Commonalty of the Town aforesaid and their successors from this our Grant shall be able to enjoy more ample Liberties and Priviledges they may feel themselves more especially and firmly bound to requite and render the services which they shall be able to Us and our Heirs and Successors At the humble Petition of the present Mayor Bailiffs and Commonalty of the Town aforesaid of our special Favor and from our certain

Knowledge and mere motion We have willed ordained constituted granted declared and confirmed that the aforesaid Town of Lancaster be and remain from henceforth for ever a Free Borough or free Town of itself And that the Mayor Bailiffs Burgesses and Commonalty of the Town of Lancaster by whatsoever Name of Incorporation or by whatsoever Names of Incorporation they have heretofore been incorporated be and shall be to perpetual future times one Body corporate and politic in Deed Fact and Name by one certain and undoubted name of Incorporation That is to say By the Name of Mayor Bailiffs and Commonalty of the Town of Lancaster in the County of Lancaster . . . And that the said Mayor Bailiffs and Commonalty may have for ever a Common Seal to serve for transacting Causes and Businesses of them and their Successors whatsoever. . . And for the better execution of our Will in this behalf We do will and by these Presents for ourselves our Heirs and Successors do Grant to the aforesaid Mayor Bailiffs and Commonalty of the Town of Lancaster aforesaid and their Successors And order that Thomas Braithwaite from henceforth during the natural life of the said Thomas be and shall be the Clerk of us our Heirs and Successors for taking copying and enrolling Recognizances of Debts according to the Form of the Statutes aforesaid and of any other of them and for keeping the Smaller piece of the Seal and all other things to do and execute which to any Clerk of the Recognizances of Debts according to the Form of the Statutes aforesaid or of any other of them appointed do appertain to be done and executed . . . And furthermore we will and by these Presents do for ourselves our Heirs and Successors grant to the aforesaid Mayor Bailiffs and Commonalty of the Town of Lancaster aforesaid and their Successors That the Mayor of the Town aforesaid for the Time being from henceforth for ever be and shall be a Justice of Us and our Heirs and Successors to preserve the Peace in the said Town the Liberties Suburbs and Precincts of the same . . . And be the Coroner of Us our Heirs and Successors within the

Town aforesaid the suburbs Liberties and Precincts of the said Town . . . And we have appointed nominated constituted and made and by these Presents do for ourselves our Heirs and Successors appoint nominate constitute and make our beloved Thomas Hesketh Knight Attorney of our Court of Wards and Liveries to become and to be the first and modern Recorder of the Town aforesaid to be continued in the said office during his natural life and that from Time to Time and at all Times after the death of the said Thomas Hesketh Knight the Mayor and Twenty four Burgesses of the Town aforesaid for the time being commonly called the Four and Twenty or the major part of them of whom the Mayor of the Town aforesaid for the Time being we will to be one can and may elect nominate and preferr one other discreet man learned in the Laws of England to be Recorder of the Town aforesaid In Witness whereof we have caused these our Letters to be made Patent WITNESS myself (ourself) at Westminster the sixth Day of December in the second year of our Reign of England France and Ireland and the thirty eighth year of Scotland.

No. 32.¹

Is an Exemplification of a Decree concerning Lancaster and Aldcliff Marsh in the 8th year of King James I.

No. 33.

Is an Exemplification concerning Quernmore Common in the 10th Year of James I.

"Jacobus &c. (in Latin) to all to whom these presents shall come Greeting We have perused a certain Commission and Certificate of the Commissioners and depositions in these words Henry viii by the Grace of God Kinge of England and of ffrance Defender of the faith and Lorde of Ireland and in yerthe Supreame Head of the Church of England To our trustie and welbeloved Sir Marmaduke Tunstall Knighte Nich.

¹ See Boundaries.

Thorneburgh Esquire Richard Newton Esquire and William Sandes Gent. and to every of them greetinge Whereas complainte is made unto us on the behalfe of the Maior Bayliffs and Comonaltie of the Towne of Lancaster and our tenants and inhabitants of the village of Skerton Slyne and Hest against Robert Patchet Thomas Chapman and others that they and others with them to the number of xii persons in riotous and unlawfull manner assembled about the first day of Juyn last to disturbe the said Maire and Comonaltie and all other Complaints of occupyinge their comon in a certaine Comon Moore or greate waste called Quarnemore adjoyninge upon the said Towne of Lancaster in which waste the said Robert Patchett nor any other of the said diffendents any title to have any comon there . . . We willinge to be ascertened of the said Complaint woll and desire you to make proper enquiry Geven at our Palace under our Seale of our said Duchie the iiith day of July the xxxiii yeare of our reigne."

The Certificate of the Commissioners to the right Honorable William Earle of Southampton Lord Privie Seale and Chancellor of our soveraigne Lorde the Kinge of his Duchie of Lancaster Pleaseth yt yor honorable Lordshipp . . . We Sir Marmaduke Tunstall Nicholas Thorneborroughe and Richard Newton assembled ourselves together at Lancaster on the third day of November in the xxxiii yeare of the raigne of our said soveraigne Lorde and then and there did truelie enquire of the said Complaine And also examyne the wytnesses on both sides and took the following Depositions taken upon the parties plaintife. Imprimis Greenock 40 years of age saith that the Maire with the Commonaltie of the Towne of Lancaster and the Kings tenants of Skerton Slyne and Heste upon Corpus Christi evyn last paste did drive to their More and Comon in Quarnemore after their auntyente custome and there impoundet certain beastes of the said Robt. Patchett Thomas Chapman and other and then and there did leave the said deponent George Bennet Xpofer Benyson and Edward Gerson to keepe

the folde And upon the morninge next after beinge the feaste of Corpus Christi William Hawthurthwait of Troughtonbroke Thomas Chapman of the same Thomas Sawle of Howreapletre John Martyn of the same John Croskill of the same Roberte Croskill of Bothefalle and the wife of Richard Chippindale did come to the said folde with longe staves and brought with them a writinge which they said was a replevie and they hanged the said writinge upon a gate stope of the said folde and the said deponent with his fellowes required them that they might have the writinge read with a Scholer and that the beastes in the meane tyme might stand in the folde And the said defendents did charge in the kinges behalf this same deponent and his fellowys not to stoppe the said beastes And then the said deponent and his fellowys said that they would stoppe them unto such tyme that the writinge were knowne whether they had any such authorities to lowyse the same beastes And notwithstandinge the said defendents toke the said beastes forthe of the folde and carryed them away the writinge beinge unknowne and not read.

George Bennett aged 40 Xpofer Benyson Edward Gerson (33) say ditto Also John Greene saith that about 15 yeares past he was apointed to be a keeper of the said Comon for the Kinges Tenants of Skerton Slyne and Heste and at the same time John Smith was appointed for the towne of Lancaster and they two did empounde beastes of the Inhabitants of Quarmore and took pounde lowes [?] of the wife of Edward Hathurthwaite of Troughton Broke which was the some of ^{iiid} And in like manner of the wife of Thomas Saule the some of ^{iiid}.

Depositions on the Defence William Hathurthwaite 56 saith that Robt. Croskill of Bothefall did build his howse sithe he may remember And also the tenement of Robert Chippingdale wife was buildet in like manner.

John Procter (60) saith that the kings tenants of Quarmore have had always Comon Endlonge of the hedge of Quarmore Edmund Procter (70) Edmund Jackson Richard Hathurthwaite of Tarnebrooke (60) say ditto.

Robert Baynes of Caton (60) saith that he and his ancestors dwelling upon the land of the Lord Mountegle called Ulthwaite in Caton hath had an overshott within the kinges forest of Quarmore tyme out of mynde payeing yearlie therefore to the Towne of Lancaster and the King's Tenants of Skerton Slyne and Heste xii^d. George Gibson of Caton 80 saith ditto.

We therefore exemplify the above depositions and Certificate at the request of the Mayor Bailiffs and Burgesses and make these Letters Patent Given at Westminster 4th June in the 10th year of our reign.

No. 34.

A GRANT from King James the first for passing Toll Free &c.

JAMES by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. To all and singular the Mayors Sheriffs Bailiffs Governors and other officers and our Subjects whomsoever throughout all our Dominions and our Kingdom of England as well within the Liberties as without and to each of them Greeting Seeing that all and singular the Men and our Tenants of our Duchy of Lancaster, as well those residing within our said Duchy of Lancaster, as in and throughout our whole Kingdom of England aforesaid ; as well by Virtue of divers Grants and Letters Patent of divers of our Predecessors and Progenitors Kings of England made and provided as by Reason and Permission of divers Statutes and Acts, made enacted and provided by the Parliament of our said Kingdom of England ought to be free and exonerated And each of them ought to be free and exonerated from all Rendering Delivering or Paying of Tolls Pannage Passage Toll Lastage Passage Picage Stallage Murage and Terrage for all their Goods Wares and Merchandises in all and singular the Fairs and Markets Towns and Places whatsoever within and throughout our whole Kingdom of England aforesaid And since also the Town or our Borough of Lancaster in our County of Lancaster Parcel of

the Honor and of our Duchy of Lancaster is an ancient Town or Borough and from the earliest Time the contrary of which is not in the memory of Man has been and yet is Parcel of the Lands and Possessions of our ancient Duchy of Lancaster in our said County of Lancaster Therefore we strictly charge you and each of you jointly and severally that having seen these Presents you permit and each of you Permit without Interruption Molestation or Hindrance from you or any of you the Mayor Bailiffs and Commonalty of our Town or Borough of Lancaster and all and singular the other Inhabitants whether residing within our said Town of Lancaster aforesaid and any of them as also in and throughout our whole Dominions and our Kingdom of England aforesaid to come approach to have Ingress and Egress freely and quietly to all the Fairs Markets Towns and Places whatsoever within and throughout our whole Kingdom of England aforesaid with all and singular their Goods Wares and Merchandises wheresoever whensoever and as often soever as it shall please them or any of them without any Tolls Pannage Passage Toll Lastage Passage Picage Stallage Mürage or Terrage to be received from of them or any of them And that neither you nor any of you by no means offer nor on any Account suffer to be offered Hindrance Molestation or Interruption to them or any of them under Forfeiture of the Penalty annexed And also We further strictly charge you and each of you jointly and severally by the Tenor of these Presents That you cause it to be publicly proclaimed or one of you cause it to be proclaimed throughout all our Dominions and our Kingdom of England in all the Fairs and Markets as well within the Liberties as without and in all Places whatsoever where it shall seem to you most expedient That the aforesaid Mayor Bailiffs and Commonalty of our aforesaid Town of Lancaster and all and singular the Inhabitants and those residing without our said Town of Lancaster and any of them may from Time to Time freely and quietly come approach to have Ingress and Egress to and from all and singular the Fairs Markets Towns

and Places whatsoever with all their Goods Wares and Merchandises without anything to be received from them or any of their Servants on Account of those Priviledges And this under Penalty of One Hundred Pounds to be forfeited to us by him or them exacting or demanding receiving or taking anything from them or any of them contrary to the Tenor of these Presents Commanding also all and singular whom these Presents may concern that you and each of you be obedient aiding and assisting in all Things in the execution of those Grants as is hereby decreed IN WITNESS whereof We have caused these our Letters to be made Patent Given at our Palace at Westminster under the Seal of our Duchy of Lancaster aforesaid the sixteenth Day of February in the eighteenth year of our Reign over England France and Ireland and over Scotland the fifty fourth.

GERARD.

No. 35.

There is another Grant by King James the First similar to the above, dated the tenth of June in the sixth year of his Reign over England, France and Ireland, and over Scotland the forty-first.

No. 36.

AN ACCOUNT of the Writings relating to the Copyholds.

Three Renewable Leases, viz:—

For the first Inclosure in the time of King Henry the Eighth in the third year of his Reign A.D. 1511.

Second Lease in the nineteenth year of Queen Elizabeth A.D. 1577.

Third Lease in the thirty seventh year of Queen Elizabeth A.D. 1594.

The Copyholds were purchased A.D. 1628 by the Mayor Bailiffs and Commonalty of the Town of Lancaster of Edward Badbie and William Weltdon of London Gentlemen reserving a Fee Farm Rent of Two Pounds Ten Shillings which

is now paid to the Ashhurst Family whose Ancestors had become Purchasers thereof.

The Conveyance Deed is very much defaced. The following is an extract translated from the fair part of it.

THIS INDENTURE made the thirteenth day of May in the fourth year of the Reign of our Lord Charles by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c. between Edward Baddie and William Weltdon of London Gentlemen of the one Part and Thomas Covell Esquire Mayor of the Borough or Town of Lancaster Ferdinand Singleton and Richard Parkinson of the same Town and the Commonalty of the said Borough or Town on the other part Witnesseth that the aforesaid Edward Baddie and Willm. Weltdon for and in consideration of a certain competent sum of good and lawfull money of England to them by the hands of the aforesaid Mayor Bailiffs and Commonalty well and faithfully paid whereupon the aforesaid Edward and William do acknowledge themselves to be fully satisfied and before paid the said Mayor Bailiffs and Commonalty and their Successors are from thence to be acquitted and discharged for ever by the aforesaid They have granted bargained sold enfeoffed and confirmed and the aforesaid for themselves and their heirs grant bargain sell enfeoff and confirm to the aforesaid Mayor Bailiffs and Commonalty of the Borough or Town aforesaid and their Successors and Assigns in Fee Farm for ever All that Land or Pasture containing by estimation Eighty Acres be the said more or less within the Forest of Quermore in the County of Lancaster lately of the Borough or Town of Lancaster aforesaid and Bailiffs and Commonalty of the said Town or their Assigns annually paying Fifty Shillings lately Parcel of Land and Possession of the Duchy of Lancaster in the said County of Lancaster and singular Dove Cots Orchards Fruiteries Gardens Lands Tenements Meadows Pasturage Pastures Commons of Pasture Wastes &c. . . . Woods under Woods and Trees and all the Land Ground and

Soil these Woods under Woods and Trees and those which sort soever and what sort soever from the said Parcel And all and Singular Mines Quarries &c. . . . Customs Rights Jurisdictions Franchises Liberties Profits Commodities Advantages Emoluments and Hereditaments whatsoever &c.

No. 37.

THE FEE FARM RENT of £13 6s. 8d. was sold in the Time of the Commonwealth by an Act of Parliament Intituled an Act for selling the Rents &c. belonging to the Commonwealth of England formerly payable to the Crown of England Dutchy of Lancaster and Dutchy of Cornwall by Sylvanus Taylor Ralph Harrison John White James Stocall and Richard Sydenham authorized by the said Act to the Mayor Bailiffs and Commonalty for £26 13s. 4d. as appears by an Indenture dated 24th September 1650. The Indenture is greatly defaced the following Abstract is copied from it beginning at the eighteenth line viz. Give Grant Bargain Sell remise release and confirm unto the said Mayor Bailiffs and Commonalty of the said Town of Lancaster and their Successors All that Fee Farm Rent of £13 6s. 8d. reserved issuing out and payable out of and from the Town of Lancaster in the County of Lancaster Parcel of the Honour of Lancaster and Parcel of the Land and Possession of the Antient Dutchy of Lancaster in the said County and also out of and from all those Manors Tenements Liberties Priviledges Jurisdictions Franchises and Hereditaments of what Nature soever they be heretofore by several Letters Patents of the several late Kings of England granted and late by Letters Patents of the late King James Dated the 6th Day of December in the second Year of his Reign To the Mayor Bailiffs and Commonalty of the said Town of Lancaster in the County aforesaid and their Successors for ever confirmed rendering and paying therefore yearly out of the aforesaid Manors Lands Premises to the said late King his Heirs and Successors such Fee Farm

Rents and Sums of Money as were to the said late King before that Time for the said Premises due and accustomed to be paid rendering Yearly the said sum £13 6s. 8d. which said Yearly Rent of £13 6s. 8d. is all the Fee Farm Rent which for 200 years last past hath been paid by the said Corporation of Lancaster for their lands and Priviledges as by Particulars thereof certified to the Trustees &c.

This Bargain was set aside at the Restoration, and this Fee Farm Rent was sold by Trustees of King Charles the Second to Sir Wm. Ellis, as appears by the Extract of a Letter from Sir Wm. Ashurst sent to Mr. Roger Topping of Warrington at the request of Mr. Thos. Shepherd Town Clerk of Lancaster, Mr. Topping's Letter to Mr. Shepherd is dated 23rd February, 1778, of which the following is an Extract:—Yesterday I received a Letter from Sir Wm. Ashurst in answer to my last to him wherein he says: I received the Favor of yours and have not been unmindful of the Request of the Town Clerk of Lancaster I find this Fee Farm Rent with many others were conveyed by King Charles the Second's Trustees to Sir William Ellis (under whom we claim) by Indenture bearing date the 1st July 1675 The Indenture recites that the several Fee Farm Rents were vested in the said Trustees by several Acts of Parliament in Order to the sale thereof And the Trustees in Pursuance thereof convey to the said Sir Wm. Ellis and his Heirs (inter alia) all that Annual or Fee Farm Rent of £13 6s. 8d. of like lawful Money of England reserved issuing or payable by the Mayor and Burgesses of the said Town or out of or for any other Lands Tenements or Hereditaments whatsoever charged or chargeable with or for the same and then it goes on to grant other Rents. The above is all that is said in the Deed relative to this Rent. The Fee Farm Rent for the Copyholds make out the whole of Sir William's Rents to £15 16s. 8d.

Fee Farm Rent for the Town	£13	6	8
Do.	for the Copyholds	2	10 0
			<hr/>		
			£15	16	8

14th October, 1652 :—

Orders and Constitutions heretofore made by the Maior Baylives and Councell of the Towne of Lancaster ratified and allowed of and now this day examined, perused and approved of by the said Maior Baylives and whole Counsell of the said Towne and by them ordered consented unto and fully agreed upon to be entered enrolled and fixed unto the old and ancient constitucons of this Towne and to be and remayne as parte of the said constitucons for ever for confirmacon whereof they have to this Indented subscribed their names this ffoureteenth day of October One Thousand Six hundred fffitie two.

ELECTION OF MAIOR.

1. Whereas heretofore sundry and many times upon the Elleccon day the Maior to govern this Towne of Lancaster the yeare then next following hath been nominated and agreed upon by a whole consent of the Burgesses and ffreemen within the said Towne without any other Elleccon and at other times upon the said Elleccon day the Maior hath been elected and chosen by the most voyces of the number of fförty of the said ffreemen then agreed upon and not by whole consent Touching which Elleccon by the most voyces of the number of fförty much dissencon and disagreeem^t hath happened to the great discontentm^t and disquiet of diverse of the ffreemen of the same Towne ffor preventing of which inconveniences and for the increasing of love peace and agreement within the said Towne It is this day ordered concluded and fully agreed upon by a whole consent of the Maior Baylives and Comonalty of the said Towne That the office of the Maioralty of this Towne of Lancaster shall continue and bee amongst those seven persons w^{ch} have been Maior of the said Towne vizt. William Sands Nicholas Eccleston Thomas Braithwaite Thomas Covell George Tompson William Parkinson and Clement Townson gent. soe long as there shall be six of them liveing and they to have the said office every one in his turne successively as they are Benchers in seignority

And that the said Mr. William Sands being eldest shall begin to be Maior the first year Mr. Nicholas Eccleston to be Maior the Second Yeare Mr. Thomas Braithwaite to be Maior the third year Mr. Thomas Covell to be Maior the ffourth year Mr. George Tompson to be maior the fffith year Mr. William Parkinson to be Maior the sixth year and Mr. Clement Townson to be Maior the seventh year if they doe live soe longe and be able to execute that office And then the said office of Maioralty to begin againe with the said Mr. William Sands and soe every one of the rest of the said seven persons before named to have the said office successively according as they are Benchers in seignoritie soe long as six of them doe live together and be able to execute the said office every one when his turne shall come as aforesaid And whensoever any of the said seven persons shall die or not be able to execute the said office when it shall fall him by order then the next to him in seignoritie downwards according to the order aforesaid shall be Maior and soe the rest in Their Turnes as before is specified.

2. Also that it is concluded condescended and agreed upon by y^e said Maior Baylives and Comonalty of the said Towne that whensoever it shall please God there shall be but ffive of y^e said Benchers living and able to execute the said office of Maioralty That then there shall be elected another man to make them up to the number of six Benchers and afterwards upon the death or disability of any of y^e six Benchers a new man to be chosen in his stead to make up and continue the number of six Benchers as aforesaid and soe always that number of six to continue whereof the Maior shall be one, the Elleccon of w^{ch} new man shall be in this maner (vizt.) the Maior and his Brethren then being shall alwayes within one month next after there shall be but ffive Benchers liveing and able to be Maior in their turne upon a Court day put forth from amongst them two of those Brethren which have not been maior such as they or the more parte of them then appearing cann agree upon and then the one

of the two soe put forth shall be elected Bencher by the most voyces of the number of fforthy in such manner and forme as the Maior heretofore hath beene often times elected which fforthy shall be chosen in such sort as usually the fforthy were appointed by the constitucon to be in case of the electing of the Maior and not otherwise And alwayes the new Bencher to be Maior the ffirst year after he shall be elected Bencher and from thenceforth in his course as his turne shall fall according to the order before sett downe.

ELECTION OF A BENCHER.

3. Also it is ordered and agreed upon That if it please God any man doe dye in the time of his Maioralty That then the next Bencher to him so dying shall be Maior the rest of that yeare then unexpired (vizt.) untill the new Bencher be Maior and sworne upon the ffirst Thursday next after the ffeast day of St. Luke the evangelist then next following and noe longer till his new time come againe to his turne by succession according to the order aforesaid.

4. Also it is ordered and agreed upon That no maner of person wtsoever shall from henceforth at any time lay or place any worthing dung or other noysome thing upon the pavement in any parte of the and lett the same lye there by the space of six dayes together upon payne for every one offending to shillings for every offence.

5. Also for that diverse times heretofore there have been Burgesses for the Parliamt for this Towne Gentlemen who were strangers to the said Towne not knowing the states thereof And whereas upon a Judicious and considerable consultacon this day holden as well for that as diverse other serious occassions It is conceived by the Maior Baylives Burgesses and Comonalty of the said Towne that thereby diverse inconveniences have ensued the said Burgesses in Parliamt being not only strangers lying far distant from this Towne and County but also unknowne to the inhabitants thereof soe that they could not

make knowne their wants and grevances unto them upon serious consideracon whereof it is ordered That no stranger or any other shall be elected Burgesses for the High Co^t of Parliam^t but such as shall be sworne of and in the said Towne of Lanc^r.

6. Also it is ordered and ordained That from henceforth for ever hereafter the Elleccon of the Capitall Burgesses and Baylives for the Bretheren shall be made amongst themselves without the assistance or associacon of any other the Burgesses of the same Towne any by law order or constitucon to y^e contrary notwithstanding And likewise that the Eleccon of every of the said Capitall Burgesses to be elected after y^e death disability or other displeasing of any of them shall be made within one month next after such death or disability as aforesaid.

7. Also it is ordered and ordained That no stranger or fforraigner shall be accepted to inhabit or dwell within this Towne or be admitted or sworne Stallenger unless such stranger or fforraigner doe compound with the Maior Baylives and Councell of this Towne or such ffour of the said Councell as shall from time to time be appointed by the Maior for the time being what ffine or sune of money they shall pay to the said Towne for such their admittance as aforesaid provided that such ffine be Three Pounds at the least and not under (Gentlemen of quality onely excepted).

8. Also it is ordered and ordained that after the Death or disability of any of y^e Six Benchers such new man to be chosen in his stead to make up and continue y^e said number of six Benchers as shall be chosen and elected by y^e Maior Baylives and whole Counsell of ye s^d Towne any order or custome made or used to the contrary notwithstanding provided that in case any of the Counsell shall be dissenting from such Eleccon or choyse as aforesaid then and in such case such choyce and Eleccon to be by y^e number of fferty according as hath been formerly used and accustomed.

9. Also ffor that by sev^rall Constitucons it hath been usually accustomed That yearly upon Thursday at the first Court

following after the Eleccion of the Maior and Baylives of this Towne the Maior doth and usually hath accustomed to nominate and appoint three or ffoure of those who served in the place and number of the Twelve Capitall Burgesses soe termed or Twelve Brethren the yeare next before who being so nominated and appointed are charged to goe together to choose soe many discreet and sufficient men out of the rest of the Burgesses out of the said Towne to themselves as to make the number of twelve to serve as the Twelve Capitall Burgesses or Brethren that present yeare wherein he is Maior who being so chosen all the said Twelve one after other receive and usually have accustomed to receive an oath to be ready upon reasonable warning to attend the Maior with their best advice and counsell for the Rule and good government of the said Towne that present yeare wherein he is Maior Now for as much as it hath been seriously considered upon by the Maior Baylives and Counsell of the said Towne That in regard the said Twelve Capitall Burgesses or Brethren or the major p'te of them have been put unto extraordinary trouble and charges of bearing continuall offices within this Towne and doing and discharging many other great troubles which from time to time have been and are likely to be imposed on them And for that it hath been further considered and soe conceived fit and convenient for the better and well governm^t of the said Towne and for preventing of the like troubles and inconveniences which may fall or happen in the like nature hereafter It is therefore ordained constituted and agreed upon That George Toulson Esqr. Thomas Medcalfe Robert Tompson and John ffooster gent. shall elect and choose forth and out of the rest of the Burgesses of the said Towne six discreet and sufficient men to be added to the said number of Twelve Capitall Burgesses or Brethren to make them up to the number of Eighteen Capitall Burgesses or Brethren And after the same soe elected and chosen the said number of eighteen shall be and continue as Capitall Burgesses or Brethren of the said Towne And shall from

henceforth for ever after be Elected chosen and appointed and continue in the same number in case of death or disability of any of the said number and shall Act doe and performe all such thing and things whatsoever in such sort manner and forme as by the said Twelve Capitall Burgesses or Brethren have heretofore usually accustomed to done and performed any by-law order or constitucon to the contrary notwithstanding.

10. Also ffor that it hath been heretofore considered upon and well provided by the Maior and Counsell of this Towne for the goods and ease of the ffree Burgesses thereof That no freeman should pay any Assessem't or taxacon within the said Towne in regard that parte of the said Lands belonging thereunto are farmed out for the benefitt of the ffree Burgesses only and not for discharge of any others whatsoever within the said Towne or have any Estates there (though the revenue of the said Towne will not amount to defray the charges continually imposed thereon) Now forasmuch as sev'all contrav'sies have lately risen concerning sev'all assessem'ts Leyes and taxacons imposed upon sev'all p'son fforrainers who have estates there and farmed by some of the ffree Burgesses of the said Towne And for preventing of the like inconveniences which at any time hereafter may arise concerning the same and for the continuing of amity and good agreem't within the said Towne and that none may incur the danger and penalties p'vided by the ancient orders and constitucons of the said Towne It is therefore ordered and ordained That all and every the estates of fforrainers not being sworne ffree Burgesses lying within this Towne shall be from henceforth ratably and proporconably taxed and be lyable for the paym't of any Lay or Taxacon whatsoever hereafter to be imposed upon the said Towne notwithstanding any Lease or Demise heretofore to be made to any ffreeman of the said Towne by any such fforrainer.

No. 38.

By Charter of King Charles the Second to the Corporation

of Lancaster in the fifteenth year of his reign. The provisions of the Charter of James I were confirmed, Miles Atkinson being Town Clerk and Robert Rawlinson being Recorder.

No. 39.—1665.

COPY of a CERTIFICATE from the Lord Mayor of the City of Dublin to William Yates one of the Free Burgesses of the Town of Lancaster acknowledging him free of Petty Customs Tolls, &c.

WHEREAS the Bearer hereof William Yates one of the Burgesses of the Town and Borough of Lancaster in the County Palatine of Lancaster in England hath desired by Certificate to signify and make known whether he the said Yates or any other Burgess or Freemen of the Borough of Lancaster have ever been constrained or compelled by the Authority of this City to pay any Petty Customs Toll Stallage Through toll Lastage Tunnage Customs Passage Poundage and Pannage for the use of this City I do hereby certify all whom it shall or may concern that I never knew or heard that either the said Yates or any other of the Burgesses or Freemen of the said Borough of Lancaster did pay any Petty Customs or other manner of Duties to or for the Use of this City And I do further certify that upon Discourse and Communication by me lately had with Ridgley Hatfield Esquire one of the Aldermen of this City here the said Alderman declares and acquaints me that in the Year of our Lord one thousand six hundred and fifty six being the Year in which he the said Hatfield served the office of Mayoralty of this City He the aforementioned William Yates coming to discharge his Vessell in this Port there was then demanded from him by the Collector of the City Duties as were judged due and payable from him the said Yates (as a Foreigner unto this City) that upon the said Demand he the said Yates producing a Copy of a Charter granted to the Borough and Town of Lancaster requiring and signifying that the Burgesses and Freemen thereof should be freed from all or any such the

aforementioned Duties or petty Customs as also an authentic Certificate under the hand and Seal of the Mayor of that Corporation that he the said Yates was a free Burgess thereof He the said Hatfield as Mayor freed declares him the said Yates from all duties and Customs payable to this City upon the Account aforesaid. The which Priviledge and Benefit I conceive ought to be allowed to him the said William and others the Burgesses of Lancaster aforesaid in any Port Havon or Harbour within this His Majesty's Kingdom of Ireland according to the Tenor of their Grant Given under my hand and the Seal of the office of Mayoralty of this City the twenty ninth day of November one thousand six hundred and Sixty five and in the seventeenth Year of the Reign of our Sovereign Charles the Second by the Grace of God of England Scotland France and Ireland King Defender of the Faith &c.

DANIEL BELLINGHAM.

No. 40.

BY THE 2^d CHARTER OF KING CHARLES THE SECOND
22 Decr. 36 Car. II.

Our beloved John Hodgson Gentleman was appointed Mayor of the aforesaid Town John Otway Knight to be present Recorder of the aforesaid Town And we have assigned nominated constituted and made William Waller Henry Johnes Joshua Partington Randal Hunter Robert Sturzaker John Foster and Thomas Sherson Gentlemen to be present Aldermen of the aforesaid Town And we have assigned nominated constituted and made Thomas Hunter Thomas Hinde Thomas Baines William Penny Gentlemen Thomas Cole Esquire Thomas Medcalfe George Foxcroft Thomas Waller Robert Carter John Cawson Thomas Simpson and John Tarleton Gentlemen to be present and modern Capital Burgesses of the aforesaid Town And we have assigned nominated constituted and made and by these Presents for Us our Heirs and Successors do assign nominate constitute and make our beloved Thomas Whalley

Thomas Clarkson John Yates Junr. Christopher Yates William Johnes John Yates the elder Peter Gording Nicholas Atkinson Edward Wilson Thomas Westmore George Taylor and John Marshall Gentlemen to be the present and modern Commonalty And by these Presents do Assign nominate and constitute and make Robert Parkinson and Abram Partington to be and continue present and modern Bailiffs of the said Town And we have assigned Thomas Baines to be and continue the present common Clerk of the said Town John Townson to be and continue present Mace Bearer of the said Town Thomas Braithwaite and Henry Casson to be and continue present Sergeants at Mace.

AN ACCOMPT of the Charges in Renewing the aforesaid Charter.

	£	s.	d.
To Mr. Jennings Counsel my Lord Ch ^f Justice			
Favourite two Guineas	2	3	0
To Mr. Secretary for a Reference upon our Petition	2	3	0
To Mr. Attorney General's Clerk 2 Guineas ...	2	3	0
To the Foot Boy	0	1	0
To Mr. Attorney for his Report five Guineas ...	5	7	6
At the Secretary's office to Mr. Ward for the King's Warr ^t for drawing the Bill six guineas Expedition one guinea	7	10	6
To an under officer at the Door	0	2	6
To Mr. Johnson to expedite the Bill two Guineas to his Man Mr. Sambrook one Guinea to his Boy one shilling	3	5	6
To Mr. Johnson for the Bill ingrossing	4	0	0
To Mr. Attorney for signing thereof... ..	5	0	0
For Two Duplicates for Signet and Privy Seal to Mr. Sambrook	2	0	0
For Two Duplicates of the King's Warr ^t and heads for the said offices	0	10	0
To Mr. Attorney's foot Boy	0	5	0
To Mr. Sambrook for expedition one guinea ...	1	1	6

At the Secretary's office to Mr. Weved for procuring the King's hand to the Bill	£6	0	0
To the officer at the Door	0	2	6
Duplicate to pass the Privy Seal for the Chancellor of the Duchy	1	0	0
Paid at the Signet and for two Perpetuities... ..	13	0	0
At the Privy Seal for the same	13	0	0
Privy Seal for the Chancellor of the Duchy 13lb. Demanded but compounded for 5lb. 10s.	5	10	0
To Mr. Ellio and Mr. Littlewood officers and Signet and Privy Seal	1	10	0
For a Private Seal it being over for the Holydays... ..	1	16	6
To Mr. North my L ^d Keeper's Secretary for his L ^d ship's Receipts 5 guineas	5	7	6
To the Clerk his Fee	0	10	0
To Mr. Brook at the Patent office in hand at delivery of the Privy Seal	5	0	0
More in full for Jug ^r &c.	6	15	0
For it expedition to have it done before the Holydays	2	0	0
At my L ^d Keepers for a Private Seal	2	0	0
Paid at the Hannaper... ..	31	9	0
To the Clerk	0	10	0
To 3 under officers	0	7	6
To Mr. Langley the Chancellor of the Duchy Secretary for the Duchy Seal 3 guineas	3	4	6
Fees in the Duchy office paid by Mr. Kenyon and repaid him at the Lancaster Sessions	7	14	0
The Case for the Charter, a deal Box, and tin Boxes	0	14	0
For Coach hire up and down... ..	6	10	0
Expences upon the Road up and down at London for our Chamber and Fire and in Treating of Gentlemen and Friends who gave us Assistance in our Business, Coaches and Boat Hire and all other expences	34	9	0
	<u>£184</u>	<u>2</u>	<u>0</u>

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